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FILE NO. 98-0735 ORDINANCE NO. 201-98

[Conflict of Interest Code]

AMENDING CHAPTER 58 SECTION 58.350 OF THE ADMINISTRATIVE CODE TO INCORPORATE CHANGES IN THE DESIGNATED POSITIONS AND DISCLOSURE CATEGORIES FOR THE REDEVELOPMENT AGENCY'S CONFLICT OF INTEREST CODE AND TO ADD A DEFINITION OF CONSULTANT

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 58 of the San Francisco Administrative Code is hereby amended by amending Section 58.350 to read as follows:

SEC. 58.350. REDEVELOPMENT AGENCY. (a) **Disclosure Category 2.** Persons in this category shall disclose all sources of income, investments, and all business positions in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management.

(b) **Disclosure Category 3.** Persons in this category shall disclose all income from and investments in businesses that manufacture or sell supplies of the type utilized by the Agency.

(c) **Disclosure Category 4.** Persons in this category shall disclose all investments in and income from all banks, savings and loan associations, insurance companies, investment companies, stockbrokers, title companies, financial consultants, data processing firms or consultants, but shall not include personal checking or savings accounts or certificates of deposit.

(d) **Disclosure Category 5.** ((Unless the Executive Director determines in writing that more limited disclosure is permissible, Consultants)) Persons in this category who come within the definition of consultant as stated below, shall disclose all sources of income, interests in real property and investments.

"Consultant" means any natural person who provides, under contract, information, advice, recommendation or counsel to the Agency, provided, however, that 'consultant' shall not include a person who:

(A) Conducts research and arrives at conclusions with respect to his or her rendition of information, advice, recommendation or counsel independent of the control and direction of the Agency or of any Agency official, other than normal contract monitoring; and

(B) Possess no authority with respect to any Agency decision beyond the rendition of information, advice, recommendation or counsel.

Designated positions	Disclosure Categories
Administrative Services Manager	1
Agency General Counsel	1
Architect	1
Architecture Supervisor	1
Assistant Development Specialist	1
Assistant Harbormaster	2
Associate Civil Engineer	1
Building/Construction Inspector I	1
Building/Construction Inspector II	1
Civil Engineer (Project Engineers)	1
Commissioners	1
Community Services Manager	1
Construction Coordinator	1 ((5))
**Consultants	5
Contract Compliance Specialist I	1
Contract Compliance Specialist II	1

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Contract Compliance Supervisor	1
((Deputy General Counsel	1))
Deputy Executive Director	1
Deputy General Counsel	1
Development Services Manager	1
Development Specialist	1
Engineering and Construction Supervisor	1
Executive Director	1
Finance and Information Services Manager	1
Financial Systems Accountant	4
Harbormaster	2
Information Systems Supervisor	3, 4
Personnel Analyst	2
Planning Supervisor	1
Principal Architect	1
Principal Planner	1
Program Manager	1
Project Area Committee Members	1
Project Manager	1
Property Management Supervisor	1
Property Management Specialist	1
Public Affairs Officer	1
Purchasing Assistant	3
Records and Information Supervisor	2
Relocation ((and Property Management)) Supervisor	1

Senior Architect	1
Senior Attorney	1
Senior Civil Engineer	1
Senior Development Specialist	1
Senior Financial Analyst	1
Senior Landscape Architect	1
Senior Personnel Analyst	1 ((2))
Senior Planner	1
Senior Project Manager	1
((Staff Attorney I	1))
((Staff Attorney II	1))
Staff Associate IV	1
Staff Associate V	1
Staff Associate VI	1
Staff Attorney I	1
Staff Attorney II	1
((Staff Associate VII	1))
((Technical Services Manager	1))

* While the listed titles of the designated positions ((The titles of Designated Positions)) are approved classification titles((. O))occasionally titles are changed or working titles are assigned. In these events ((such cases)), the new titles will be substituted into this Code with the same disclosure categories as were applicable to the old titles. ((Redevelopment Agency is authorized to amend its code by substituting the new title for the old, provided that the disclosure categories remain the same))

** With respect to Consultants, the Executive Director may determine in writing that a particular consultant is hired to perform a range of duties that is limited in scope and, thus, is not required to comply with the disclosure requirements described in this Section. Such determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of the disclosure requirements. The Executive Director shall forward a copy of this determination to the Clerk of the Board of Supervisors. Nothing herein excuses any consultant from any other provisions of this Conflict of Interest Code.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: CLAIRE M. SYLVIA
Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 1, 1998	June 8, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee
	Absent: Supervisor Bierman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0735

JUN 19 1998
Date Approved

Mayor

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JUL 13 1998
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FILE NO. 98-0736 ORDINANCE NO. 202-98

[Conflict Of Interest Code]

AMENDING CHAPTER 58, SECTION 58.310 OF THE ADMINSTRATIVE CODE TO DELETE A DESIGNATED POSITION IN THE PUBLIC HEALTH DEPARTMENT'S CONFLICT OF INTEREST CODE

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 58 of the San Francisco Administrative Code is hereby amended by amending Section 58.310 to read as follows:

SEC. 58.310. PUBLIC HEALTH DEPARTMENT. (a) **Disclosure Category 2.** Persons in this category shall disclose all investments and business positions in business entities and income from all laboratories, clinics, hospitals, rest homes, nursing homes, and outpatient care facilities, all medical, surgical, psychiatric, psychological, and related practices, all medical supply firms, drug companies, and insurance companies; all child or adult care facilities; all medical or social service consulting firms; and any source which provides, or contracts with the City and County of San Francisco and its Public Health Department to provide, services, supplies, materials, machinery or equipment to the Public Health Department.

(b) **Disclosure Category 3.** Persons in this category shall disclose all investments and business positions in business entities, interests in real property, and income from any source subject to the regulatory, permit or licensing authority of the Department of Public Health.

Designated Positions	**Disclosure Categories**
Health Commissioner	1
Executive Assistant to the Administrator, SFGH	2
Executive Assistant to the Director of Health	2

Administrator, SFGH Medical Center	1
Director of Health	1
Departmental Personnel Officer	2
Senior Personnel Officer	2
Personnel Director	1
Chief Accountant	2
Finance Director, DPH	1
Supervising Fiscal Officer	2
Chief Telephone Operator	2
MIS Manager	2
Senior Administrative Analyst	2
Principal Administrative Analyst	2
Senior Management Assistant	2
Materials & Supplies Supervisor	2
Materials Coordinator	2
Chief Medical Records Administrator	2
Director of Patient Financial Services & Admissions	2
Hospital Administrative Assistant	2
Hospital Assistant Administrator	1
Hospital Associate Administrator	1
Associate Administrator, Medical Services, LHH	1
Administrator, LHH	1
Director, Dental Division	1
Physician Specialist	2
Senior Physician Specialist	2

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1	Supervising Physician Specialist	2
2	Radiologist/Chief of Medical Staff	1
3	Assistant Director of Clinical Services I	2
4	Assistant Director of Clinical Services II	2
5	Director of Clinical Services	1
6	Head Nurse	2
7	Assistant Director of Nursing	1
8	Director of Nurses, LHH	1
9	Senior Pharmacist	2
10	Director of Pharmaceutical Services	2
11	Pharmacy Director, LHH	2
12	Director, Public Health Laboratories	2
13	Clinical Psychologist	2
14	Research Psychologist	2
15	Health Program Coordinator III	2
16	Administrative Chef	2
17	Director of Food Services	2
18	Senior Sewing Technician	2
19	Assistant General Services Manager	2
20	General Services Manager	2
21	Associate Director, AIDS	1
22	Deputy Director for Business & Operation	1
23	Deputy Director for Mental Health Programs	1
24	Deputy Director, Public Health Programs	1
25	Hospital Eligibility Supervisor	2

1	Medical Social Worker Supervisor	2
2	Chief, Medical Social Services	2
3	Conservatorship/Case Management Supervisor	2
4	Chief Psychiatric Social Worker	2
5	Environmental Health Inspector	3
6	Senior Environmental Health Inspector	3
7	Principal Environmental Health Inspector	3
8	Director, Bureau of Environmental Health Services	1
9	Assistant Director, Bureau of Environmental Health Services	1
10	Industrial Hygienist	2
11	Building & Grounds Maintenance Superintendent	2
12	Chief Stationary Engineer	2
13	Institutional Police Lieutenant	2
14	MIS Director	1
15	Administrator, Health Information Services	2
16	Associate Affirmative Action Coordinator	2
17	Secretary, Health Commission	1
18	Principal Account Clerk	2
19	Director of Patient Accounts	2
20	Management Assistant	2
21	Senior Storekeeper	2
22	Assistant Materials Coordinator	2
23	Director of Medical Records	2
24	Senior Associate Administrator	1
25	Dentist	2

1	Physician Assistant	2
2	Physician	2
3	Senior Physician	2
4	Medical Director, DPH	1
5	Clinical Nurse Specialist	2
6	Nursing Supervisor	2
7	Nurse Practitioner	2
8	Assistant Director of Nursing, Staff Development & Research	1
9	Assistant Director of Nursing, LHH	2
10	Rad. Tech. Supervisor	2
11	Director, Radiology	1
12	Assistant Chief, Paramedic Division	1
13	Emergency Medical Services Agency Specialist	2
14	Chief Paramedic	2
15	Rehabilitation Coordination	2
16	Acupuncturist	2
17	Supervisor, Clinical Psychologist	2
18	Employee Referral Program Director (EAP)	2
19	Food Service Manager	2
20	Epidemiologist III	2
21	Principal Disease Control Investigator	2
22	Chief, Bureau of Records and Statistics	2
23	Health Program Planner	2
24	Senior Health Program Planner	2
25	Director of Health Program Planning	1

1	Health Educator	2
2	Mental Health Educator	2
3	Chief, Bureau of Health Education	2
4	Senior Health Educator	2
5	Nutritionist	2
6	Director, WIC Program, DPH	1
7	Director, Business & Operations Support, MHP	1
8	Deputy Director of Adult Services, CMHS	1
9	Deputy Director of Institutions, DPH	1
10	Program Chief, CPHS	1
11	Hospital Eligibility Manager	2
12	DPH Contract Compliance Officer II	2
13	Contract Compliance Officer I	2
14	Safety Analyst	2
15	Assistant Industrial Hygienist	2
16	Senior Industrial Hygienist	2
17	Hazardous Materials Permit Program Manager	2
18	Manager, Office of Health and Safety	2
19	Director of Toxics and Safety Services	1
20	((Institutional Police Officer	2))
21	Institutional Police Sergeant	2
22	Institutional Police Captain	2
23	Assistant Chief, Paramedics	2
24	Director of Homeless Programs	2
25	Budget Director	2

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Director of Public Information	2
Telecommunications Systems Director	2
Assistant Director, MIS	2
Assistant Director Budget & Planning	2
Health Center Manager	2
Dep. Paramedic Chief	2
Program Support Analyst	2
Elig. Section Manager	2
Special Assistant (VII-XVII)	2
Director of Activities, Therapy & Volunteer Services	2
Nursing Supervisor, Psychiatry	2
Sr. Psych Social Worker (MHRF)	2

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: CLAIRE SYLVIA
Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 1, 1998	June 8, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee
	Absent: Supervisor Bierman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0736

JUN 19 1998
Date Approved

Mayor

Amendment of the Whole
BOS Mtg. 6/1/98

FILE NO. 98-0738 ORDINANCE NO. 203-98

[Public Utilities Commission Short-Term Indebtedness]

AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (THE SAN FRANCISCO ADMINISTRATIVE CODE) BY ADDING CHAPTER 84, SECTIONS 84.1 THROUGH 84.6 TO PROVIDE A PROCEDURE FOR THE ISSUANCE BY THE PUBLIC UTILITIES COMMISSION OF THE CITY AND COUNTY OF SAN FRANCISCO OF COMMERCIAL PAPER AND OTHER SHORT-TERM INDEBTEDNESS IN ANTICIPATION OF THE ISSUANCE OF REVENUE BONDS

NOTE: This Chapter is new.

Be it ordained by the People of the City and County of San Francisco

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. Section 9.107 of the Charter of the City and County of San Francisco provides for the issuance of revenue bonds by the Public Utilities Commission of the City and County of San Francisco following the approval of the issuance of such revenue bonds by a majority of the voters, or, in the case of revenue bonds issued for the purposes set forth in clauses 1 and 6 of such Section, following approval by at least a three-fourths affirmative vote of the members of the Board.

B. Pursuant to Section 4.102 of the Charter, the Commission is authorized to execute such powers and duties as shall be prescribed by the Board

C. Pursuant to Section 9.107 of the Charter, except as otherwise provided in the Charter, all revenue bonds may be issued and sold in accordance with state law or any procedure provided by City ordinance.

D. Pursuant to Section 9.113 of the Charter, the Board is authorized to borrow money by the issuance of tax anticipation notes, temporary notes, commercial paper or any other short-term debt instruments in the manner provided by state law or City ordinance

E. The Board wishes to establish a procedure pursuant to which the Commission may issue or incur short-term indebtedness in anticipation of the issuance of revenue bonds which have been authorized in accordance with the Charter.

Section 2. Part I of the San Francisco Municipal Code (the San Francisco Administrative Code) is hereby amended by adding Chapter 84, to read as follows:

SEC. 84.1 DEFINITIONS. For purposes of this Chapter, the following terms shall have the meanings given below:

(a) The term "Board" shall mean the Board of Supervisors of the City.

(b) The term "Charter" shall mean the Charter of this City.

(c) The term "City" shall mean the City and County of San Francisco.

(d) The term "Commission" shall mean the Public Utilities Commission of the City

(e) The term "Director" shall mean Director of the Mayor's Office of Public Finance or any successor to that office

SEC. 84.2 AUTHORIZATION OF SHORT-TERM INDEBTEDNESS Following voter approval or Board approval, as the case may be, of the issuance of revenue bonds by the Commission pursuant to Section 9.107 of the Charter, the Commission, in anticipation of the issuance of such revenue bonds may incur short-term indebtedness in the form of commercial paper, temporary notes or other forms of indebtedness subject to the limitations set forth below

The issuance of such short-term indebtedness, and certain of the terms and conditions thereof, shall be subject to prior authorization by the Board

Except as provided in Section 84.5, use of the proceeds of any such short-term indebtedness shall be limited to the purposes for which the applicable revenue bonds were approved by the voters or by the Board, as the case may be. Short-term indebtedness incurred pursuant to this Chapter shall not result in interest costs or a maturity date exceeding

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the limits, if any, fixed by the voters or the Board, as the case may be, with respect to the applicable revenue bond approval(s)

Such short-term indebtedness shall be payable solely from the proceeds of the applicable revenue bonds, or revenues of the Commission pledged, or to be pledged, to the payment of such revenue bonds. If any of the principal of such short-term indebtedness is paid from revenues of the Commission (other than revenues derived from grants) rather than from the proceeds of revenue bonds, the principal amount of revenue bonds the Commission is thereafter authorized to issue shall be reduced by the principal amount of short-term indebtedness paid from revenues (other than revenues derived from grants)

Any pledge of revenues by the Commission for the payment of short-term indebtedness may, in the sole discretion of the Director upon recommendation of the Commission, be subordinate to any pledge of the Commission for its revenue bonds.

All indebtedness incurred pursuant to this Chapter shall not constitute or evidence a debt of the City, nor a legal or equitable pledge, charge, lien or encumbrance upon any property of the City, or upon any income, receipt, revenue of the City, except the revenues or funds, if any, pledged by the Commission.

All short-term indebtedness incurred pursuant to this Chapter must additionally comply with each of the following provisions:

(a) shall be evidenced by notes, warrants, commercial paper or other evidences of indebtedness maturing not later than five (5) years from their issuance date; and

(b) any draw on such short-term indebtedness shall be subject to approval by the Director.

Such short-term indebtedness may be sold at the discretion of the Director, upon recommendation of the Commission, by public or private sale. All other terms and conditions

for such short-term indebtedness shall be determined by the Director, upon recommendation of the Commission

SEC. 84.3 CREDIT OR LIQUIDITY SUPPORT. The Director, upon recommendation of the Commission, may arrange for credit or liquidity support for short-term indebtedness issued pursuant to this Chapter or may arrange for credit or liquidity support to provide an additional source of repayment for such short-term indebtedness.

Notwithstanding anything to the contrary in this Chapter, any monies paid by a financial institution under any agreement for credit or liquidity support (a "Credit Facility") shall

(a) be repaid over a period not exceeding the maximum maturity, if any, fixed by the voters or the Board, as the case may be, with respect to the applicable revenue bond approval;

(b) bear interest at a rate that does not cause the aggregate average interest cost to exceed the maximum approved interest cost on such short-term indebtedness over the entire period such short-term indebtedness is outstanding; and

(c) have such other terms and conditions as the Director, upon the recommendation of the Commission, shall fix.

SEC. 84.4 MAXIMUM SHORT-TERM INDEBTEDNESS. The maximum principal amount of all short-term indebtedness outstanding and incurred under this Chapter, including any amounts outstanding under any Credit Facility, together with the outstanding principal amount of related revenue bonds, shall not at any time exceed the maximum principal amount of the applicable revenue bonds approved by the voters or the Board, as the case may be

///

SEC. 84.5 REFUNDING SHORT-TERM INDEBTEDNESS. The Commission, with the prior approval of the Director, may issue commercial paper, refunding notes, warrants, or other evidences of short-term indebtedness, in anticipation of the issuance of revenue bonds, for the purpose of paying and redeeming, at or prior to maturity, outstanding short-term indebtedness issued in accordance with this Chapter. Notwithstanding the preceding sentence, any short-term indebtedness issued to refund outstanding short-term indebtedness may not:

(a) exceed the interest cost limitation set forth in Section 84.2; and

(b) exceed the limitation on the maximum principal amount of short-term indebtedness set forth in Section 84.4; and

(c) mature more than five (5) years from the original date of issuance of the original short-term indebtedness it is refunding.

Short-term indebtedness issued to refund outstanding short-term indebtedness may be refunded by the Commission in accordance with this Section 84.5.

SEC. 84.6. CONSTRUCTION. The powers conferred by the provisions of this Chapter are in addition to and supplemental to the powers conferred by the Charter or any other ordinance or law.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By _____
DAVE ANGELO SANCHEZ
Deputy City Attorney

PUBLIC UTILITIES COMMISSION
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 1, 1998	§	June 8, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki	§	Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki
Noes: Supervisor Yee	§	Noes: Supervisor Yee
	§	Absent: Supervisor Bierman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
98-0738

JUN 1 0 1998
Date Approved

_____
Mayor

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FILE NO. 98-0740

ORDINANCE NO. 204-98

RO#97249

[Settlement]

AUTHORIZATION FOR SETTLEMENT OF THE LITIGATION OF CAZAHOUS V. CITY AND COUNTY OF SAN FRANCISCO, ET AL., SAN FRANCISCO SUPERIOR COURT CASE NO. 985824, IN THE AMOUNT OF THIRTY THOUSAND DOLLARS ($30,000.00).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney of San Francisco is hereby authorized to settle the court action entitled "Cazahous v. City and County of San Francisco, et al., San Francisco Superior Court Case No. 985824" in the amount of thirty thousand dollars ($30,000.00).

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE, City Attorney

BY: Vicki T. Clayton
VICKI CLAYTON
Chief Labor Attorney

RECOMMENDED:

SAN FRANCISCO POLICE COMMISSION

BY: Manuel Barretta
LIEUTENANT MANUEL BARRETTA
Secretary

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

CHIEF FRED LAU
San Francisco Police Department

1G-AGF-AAA 38-00-00
385036 05111

CC

Board of Supervisors, San Francisco

Passed on First Reading

June 1, 1998

Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

Finally Passed

June 8, 1998

Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

Absent: Supervisor Bierman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No. 98-0740

JUN 19 1998
Date Approved

Mayor

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FILE NO. 98-0801 ORDINANCE NO. 205-98

RO#97251

AUTHORIZING SETTLEMENT OF LITIGATION OF ZOYA DAYTER AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $42,500.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Zoya Dayter, et al., v. City and County of San Francisco, et al., San Francisco Superior Court No. 983-167 by the payment of $42,500.00 to Zoya Dayter.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joanne Hoyer For
PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

SM-AAA-AAA 35-00-00
352730 05311 $42,500.00

cc

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 1, 1998	June 8, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee
	Absent: Supervisor Bierman

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 98-0801

JUN 19 1998
Date Approved

Mayor

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FILE NO. 98-0821 ORDINANCE NO. 206-98

[Competitive Bidding Exemption for Job Training Program]

WAIVING COMPETITIVE BID REQUIREMENTS FOR THE SAN FRANCISCO PORT COMMISSION'S AWARD OF PUBLIC WORKS CONTRACTS TO THE CALIFORNIA CONSERVATION CORPS, THE SAN FRANCISCO CONNSERVATION CORPS AND THE SAN FRANCISCO LEAGUE OF URBAN GARDENERS FOR PERFORMANCE OF WETLANDS ENHANCEMENT AND PUBLIC ACCESS ACTIVITIES AT PIER 98.

Note: The entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. FINDINGS. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

1. The California Conservation Corps is a non-profit organization that serves the public interest by providing job training and work experience for disadvantaged individuals in need of such training and work experience.

2. The San Francisco Conservation Corps is a non-profit organization that serves the public interest by providing job training and work experience for disadvantaged individuals in need of such training and work experience.

3. The San Francisco League of Urban Gardeners is a non-profit organization that serves the public interest by providing job training and work experience for disadvantaged individuals in need of such training and work experience.

4. Programs that enhance the skills of disadvantaged individuals serve the public interest because the development of skills by such individuals will have a significant positive impact on

the economic health of the City.

5. The Port Commission wishes to award a negotiated contract in the total amount of $49,000 for a maximum term of three years, subject to annual appropriation of funds, to the California Conservation Corps for the performance of wetlands enhancement and public access activities at pier 98. The public will benefit from both the work to be performed and the training and work experience that will be gained by disadvantaged individuals.

6. The Port Commission wishes to award a negotiated contract in the total amount of $49,000 for a maximum term of three years, subject to annual appropriation of funds, to the San Francisco Conservation Corps for the performance of wetlands enhancement and public access activities at pier 98. The public will benefit from both the work to be performed and the training and work experience that will be gained by disadvantaged individuals.

7. The Port Commission wishes to award a negotiated contract in the total amount of $98,000 for a maximum term of three years, subject to annual appropriation of funds, to the San Francisco League of Urban Gardeners for the performance of wetlands enhancement and public access activities at pier 98. The public will benefit from both the work to be performed and the training and work experience that will be gained by disadvantaged individuals.

Section 2. The Port Commission is hereby authorized to award negotiated contracts to the California Conservation Corps, the San Francisco Conservation Corps and the San Francisco League of Urban Gardeners in amounts exceeding $50,000 for performance of wetlands enhancement and public access activities at Pier 98. The competitive bidding requirements of Chapter 6 of the San Francisco Administrative Code shall not apply to the award of said

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contracts. Pursuant to San Francisco Administrative Code section 6.1-3(k), the California Conservation Corps, the San Francisco Conservation Corps and the San Francisco League of Urban Gardeners are not required to pay prevailing wage rates on the contracts awarded pursuant to this ordinance.

APPROVED AS TO FORM: LOUISE H. RENNE, City Attorney

By: _____
John W. Rakow III
Deputy City Attorney

cc

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 8, 1998	June 15, 1998
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee
Absent: Supervisor Bierman	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
98-0821

JUN 25 1998
Date Approved

ACTING Mayor

FILE NO. 98-0837 ORDINANCE NO. 207-98

[Time For Award Of Contracts]

AMENDING PART I, CHAPTER 6, SECTION 6.1-1 OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) TO PROVIDE FOR ADDITIONAL TIME FOR THE AWARDING OF CONTRACTS LET BY THE PUBLIC UTILITIES COMMISSION AND THE PUBLIC TRANSPORTATION COMMISSION; THE PROVISIONS OF THIS ORDINANCE SHALL BE EFFECTIVE JULY 1, 1998.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the Pecple of the City and County of San Francisco:

Section 1. Chapter 6 of the San Francisco Administrative Code is hereby amended by amending Section 3.1-1, to read as follows.

SEC. 6.1-1. PORT COMMISSION; PUBLIC UTILITIES COMMISSION; PUBLIC TRANSPORTATION COMMISSION; DEPARTMENT OF PUBLIC WORKS; TIME FOR AWARD OF CONTRACTS.

Notwithstanding the provisions of Section 6 1 of this Chapter, the Port Director, upon the approval of the Port Commission, or the General Manager of the Public Utilities Commission, upon approval of the Public Utilities Commission, or the Director of Public Transportation, upon approval of the Public Transportation Commission, may specify in its call for bids a period of time to award said bid exceeding 30 days or may extend the time of award of any such bid with the consent of the successful bidder, and the Director of Public Works, upon the approval of the Mayor or Mayor's designee may specify in his or her call for any bid for construction, reconstruction or alteration of or addition to any school building, for the protection of life and property, pursuant to the provisions of Article 4, Chapter 2 of the California Education Code, Sections 15451, et seq. (The Field Act), a period of time within which to award said bid exceeding 30 days, or may extend the time of award of any such bid with the consent of the successful bidder

Section 2: The provisions of this ordinance shall be effective on July 1, 1998. It is the intent of this ordinance to repeal the sunset clauses in Ordinances 111-97 and 412-97.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Donn W. Furman
DONN W. FURMAN
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 8, 1998	June 15, 1998
Ayes: Supervisors Ammiano Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee
Absent: Supervisor Bierman	

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0837

JUN 2 5 1998
Date Approved

Mayor

FILE NO. 98-0878

ORDINANCE NO. 208-98
RO#97255

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF THE CITY AND COUNTY OF SAN FRANCISCO'S LAWSUIT AGAINST THE SAN FRANCISCO ASSESSMENT APPEALS BOARD NUMBER 1 (THE NOMINAL DEFENDANT) AND THE FEDERAL RESERVE BANK (THE REAL PARTY IN INTEREST) AND APPLICATIONS FOR REDUCED PROPERTY TAX ASSESSMENTS PENDING BEFORE THE SAN FRANCISCO ASSESSMENT APPEALS BOARD BY REFUNDING $583,924 PLUS INTEREST ON ANY DELAY IN PAYMENT BEYOND AUGUST 15, 1998.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the actions entitled City and County of San Francisco v. Assessment Appeals Board No. 1, Respondent, and Federal Reserve Bank of San Francisco, Real Party in Interest, U.S. District Court No. C96-0255 SBA & C96-613 SBA, and unlitigated applications for reduced property tax assessments pending before the San Francisco Assessment Appeals Board No. 1 with the Federal Reserve Bank's property at 101 Market Street (the "Property") as follows: the Property shall be assessed at values of $99,000,000, $99,160,000, $99,326,000, $109,499,000 and $121,179,000 for the years 1993/1994, 1994/1995, 1995/1996, 1996/1997 and 1997/1998, respectively. As a result, tax payments/<refunds> shall be due to/<from> the City and County of San Francisco for those respective years of $236,900, $204,223, <$439,778>, <$344,614>, <$240,655>. Additionally, if payment is not made by August 15, 1998,

interest from that date on also be paid at the average rate of interest computed over the six-month period lawfully obtained by the San Francisco Treasurer on deposits of the public funds to the date of payment. This settlement shall be conditioned upon the San Francisco Assessment Appeals Board taking action consistent with the terms described above, so that the agreed-upon values are enrolled for property tax purposes.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joann Hasper for

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

7A-TAX-PTF 08-00-00
TTX7ATAXPTF GL241
Subsidiary COZ003 $675,112.85
($583,924 plus $91,188.85)

RECOMMENDED:

ASSESSOR-RECORDER'S OFFICE

Verne Walton for

DORIS WARD, ASSESSOR-RECORDER
Assessor-Recorder's Office

RECOMMENDED:

TAX COLLECTOR'S OFFICE

RICHARD SULLIVAN, TAX COLLECTOR
Tax Collector's Office

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Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
June 15, 1998	$	June 22, 1998
	$	
	$	
Ayes: Supervisors Ammiano Bierman	$	Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina	$	Brown Katz Kaufman Leno Medina
Newsom Teng Yaki Yee	$	Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
98-0878

JUN 2 5 1998
Date Approved

ACTING Mayor

FILE NO. 98-0838 ORDINANCE NO. 209-98

(MEMORANDUM OF UNDERSTANDING)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEAMSTERS LOCAL 856 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the charter authority of the Board of Supervisors of the mediated settlement agreement for a Memorandum of Understanding between the The Teamsters Locals 856 and The City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

Chief Labor Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0838

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0839 ORDINANCE NO. 210-98

(MEMORANDUM OF UNDERSTANDING)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TEAMSTERS LOCAL 350 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the charter authority of the Board of Supervisors of the mediated settlement agreement for a Memorandum of Understanding between the Teamsters Local 350 and The City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
Chief Labor Attorney

BOARD OF SUPERVISORS

cc

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0839

JUN 30 1998
Date Approved

Mayor

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98-0852

ORIGINAL
When Stamped In Red

ORDINANCE NO. 211-98

CITY AND COUNTY OF SAN FRANCISCO

INTERIM CONSOLIDATED BUDGET

AND

ANNUAL APPROPRIATION ORDINANCE

File No. 98-0852	Ordinance No. -98
File No. 98-	Ordinance No. -98
File No. 98-	Ordinance No. -98

FISCAL YEAR ENDING JUNE 30, 1999

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ORDINANCE NO. 212-98

ORIGINAL
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CITY AND COUNTY OF SAN FRANCISCO

INTERIM ANNUAL SALARY ORDINANCE

1998-1999

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FILE NO. 98-0886 ORDINANCE NO. 213-98

(MEMORANDUM OF UNDERSTANDING)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE MUNICIPAL ATTORNEYS ASSOCIATION AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the charter authority of the Board of Supervisors of the mediated settlement agreement for a Memorandum of Understanding between the Municipal Attorneys Association and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
Chief Labor Attorney

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0886

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0892 ORDINANCE NO. 214-98

(Memorandum of Understanding)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TRANSPORT WORKERS UNION, LOCAL 200 (S.E.A.M.)AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE FOR THE PERIOD JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the charter authority of the Board of Supervisors of a mediated settlement agreement for a Memorandum of Understanding between the Transport Worker's Union, Local 200 (S.E.A.M.) and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
CHIEF LABOR ATTORNEY

Supervisor Teng

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0892

JUN 30 1998
Date Approved

Mayor

DOCUMENTS DEPT
JUL 13 1998

FILE NO. 98-0893 ORDINANCE NO. 215-98

(Memorandum of Understanding)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TRANSPORT WORKERS UNION, LOCAL 250-A (7410 AUTOMOTIVE SERVICE WORKER) AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the charter authority of the Board of Supervisors of a mediated settlement agreement for a Memorandum of Understanding between the Transport Worker's Union, Local 250-A (7410 Automotive Service Worker) and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
CHIEF LABOR ATTORNEY

SupervisorTeng

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0893

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0894 ORDINANCE NO. 216-98

(Memorandum of Understanding)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE TRANSPORT WORKERS UNION, LOCAL 250-A (MULTI-UNIT) AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE FOR THE PERIOD JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within the charter authority of the Board of Supervisors of the Mediated Settlement Agreement for a Memorandum of Understanding between the Transport Worker's Union, Local 250-A (MULTI-UNIT) and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
CHIEF LABOR ATTORNEY

Supervisor Teng

BOARD OF SUPERVISORS

ord two 250 a multi98

cc

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0894

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0925 ORDINANCE NO. 217-98

(Memorandum of Understanding)

IMPLEMENTING THE PROVISIONS OF AN ARBITRATION AWARD FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE BUILDING MATERIAL AND CONSTRUCTION TEAMSTERS, LOCAL 216 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within its charter authority of the arbitration award for a Memorandum of Understanding between the Building Material and Construction Teamsters, Local 216 and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

CHIEF LABOR ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0925

JUN 30 1998
Date Approved

Mayor

DOCUMENTS DEPT
JUL 13 1998

FILE NO. 98-0926 ORDINANCE NO. 218-98

(MEMORANDUM OF UNDERSTANDING)

IMPLEMENTING THE PROVISIONS OF A MEDIATED SETTLEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE INTERNATIONAL UNION OF OPERATING ENGINEERS STATIONARY ENGINEERS, LOCAL 39 AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within its charter authority of a mediated settlement for a Memorandum of Understanding between the International Union of Operating Engineers Stationary Engineeers, Local 39 and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

CHIEF LABOR ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0926

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0927 ORDINANCE NO. 219-98

(Memorandum of Understanding)

IMPLEMENTING AN ARBITRATION AWARD FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPUTY SHERIFF'S ASSOCIATION AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Board of Supervisors hereby implements those provisions within its charter authority of the arbitration award for a Memorandum of Understanding between the Deputy Sheriff's Association and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001.

A copy of the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
City Attorney

Chief Labor Attorney

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 22, 1998	June 29, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0927

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0928 ORDINANCE NO. 220-98

(Memorandum of Understanding)

IMPLEMENTING THE PROVISIONS OF AN AGREEMENT FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE MUNICIPAL EXECUTIVES ASSOCIATION (FOR BARGAINING UNITS M, EM, AND MSA) AND THE CITY AND COUNTY OF SAN FRANCISCO TO BE EFFECTIVE JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within its charter authority of the agreement for a Memorandum of Understanding between the Municipal Executives Association (for bargaining units M, EM, and MSA) and the City and County of San Francisco to be effective July 1, 1998 through June 30, 2001. A copy of the Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

CHIEF LABOR ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0928

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0931 ORDINANCE NO. 221-98

(Memorandum of Understanding)

IMPLEMENTING THE PROVISIONS OF AN AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY AND COUNTY OF SAN FRANCISCO AND THE MUNICIPAL EXECUTIVES ASSOCIATION FOR THE PERIOD JULY 1, 1997 THROUGH JUNE 30, 1998 TO ADD THE MANAGEMENT SPECIAL ASSISTANT BARGAINING UNIT ("MSA") UNDER SPECIFIED CONDITIONS.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions of the agreement to amend the Memorandum of Understanding between the City and County of San Francisco and the Municipal Executives Association to be effective July 1, 1997 through June 30, 1998 to add the Management Special Assistant bargaining unit ("MSA") under specified conditions. A copy of the amendment so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
CHIEF LABOR ATTORNEY

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0931

JUN 30 1998
Date Approved

Mayor

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FILE NO. 98-0952 ORDINANCE NO. 222-98

(Memorandum of Understanding)

IMPLEMENTING AN ARBITRATION AWARD FOR A MEMORANDUM OF UNDERSTANDING BETWEEN THE INTERNATIONAL FEDERATION OF PROFESSIONAL AND TECHNICAL ENGINEERS, AFL-CIO, LOCAL 21 AND THE CITY AND COUNTY OF SAN FRANCISCO FOR THE PERIOD JULY 1, 1998 THROUGH JUNE 30, 2001.

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby implements the provisions within its charter authority of the arbitration award for a Memorandum of Understanding between the International Federation of Professional and Technical Engineers, AFL-CIO, Local 21 and the City and County of San Francisco for the period July 1, 1998 through June 30, 2001. The Memorandum of Understanding so implemented is on file in the office of the Board of Supervisors.

APPROVED AS TO FORM

LOUISE H. RENNE
CITY ATTORNEY

CHIEF LABOR ATTORNEY

Supervisor Yee

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 22, 1998	§	June 29, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
	§	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John Taylor
Clerk

File No.
98-0952

JUN 30 1998
Date Approved

Mayor

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FILE NO. 34-97-2 ORDINANCE NO. 223-98

[Changing Official Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION NO. 1537 CHANGING THE OFFICIAL SIDEWALK WIDTH ON THE SOUTH SIDE OF DAY STREET WEST OF CHURCH STREET, AS SHOWN ON THE REVISED DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-451 (CHANGE 1) AND MAKING FINDINGS PURSUANT TO PLANNING CODE SECTION 101.1.

Be it ordained by the people of the City and County of San Francisco:

SECTION 1: Ordinance No. 1061 entitled " Regulating the Width of Sidewalks", be and is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors, by adding thereto a new section to be numbered as follows:

Section 1537. The width of sidewalks on a) South side of Day Street west of Church Street, shall be as shown on the revised Department of Public Works drawing labeled Q-20-451 (Change 1), and

SECTION 2: The Planning Department in its letter dated February 22, 1996 states that the above described change of official sidewalk width is in conformity with the General Plan and makes findings of consistency with the Eight Priority Policies of Planning Code Section 101.1.

The San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated February 22, 1996, that the project intended by the proposed changes of official sidewalk width is consistent with the Eight Priority Policies of Planning Code Section 101.1.

MUNI (Applicant), as is necessary as a result of this Ordinance, shall make arrangements with Public Utility companies and City Departments for the relocation and / or adjustment of their facilities in the affected sidewalk and street areas.

RECOMMENDED:

Mark A. Primeau, A.I.A.
Director of Public Works

DESCRIPTION APPROVED:

Harlan L. Kelly, Jr.
City Engineer

APPROVED AS TO FORM:
LOUISE RENNE, CITY ATTORNEY

By _____
Ilene Dick
Deputy City Attorney

U:\sidewalk\munirevcord.doc

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cc

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
June 15, 1998	§	June 22, 1998
	§	
	§	
Ayes: Supervisors Ammiano Bierman	§	Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina	§	Brown Katz Kaufman Leno Medina
Newsom Teng Yaki Yee	§	Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
34-97-2

JUL - 2 1998

Date Approved

Mayor

FILE NO. 98-0843 ORDINANCE NO. 224-98

RO#97253

[Settlement of Lawsuit]

AUTHORIZATION OF SETTLEMENT OF THE LITIGATION OF CATHERINE M. SCHIEFER v. CITY AND COUNTY OF SAN FRANCISCO, ET AL., IN THE AMOUNT OF SIXTY THOUSAND DOLLARS ($60,000).

Be it ordained by the People of the City and County of San Francisco:

Section 1: The City Attorney is hereby authorized to settle the court action entitled CATHERINE M. SCHIEFER v. CITY AND COUNTY OF SAN FRANCISCO, ET AL., Superior Court No. 986-705, by payment to Plaintiff in the amount of $60,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

LINDA M. ROSS
Deputy City Attorney

RECOMMENDED:

SAN FRANCISCO POLICE DEPARTMENT

FRED LAU
Police Chief

FUNDS AVAILABLE:

EDWARD M. HARRINGTON
Controller

RECOMMENDED:

MANUEL BARRETTA, SECRETARY
Police Commission

1G-AGF-AAA 38-00-00
1050.W 05311 560,000.00
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0843

JUL - 2 1998
Date Approved

Mayor

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JUL 17 1998
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ORDINANCE NO. 223-98

RO#97257

[SETTLEMENT OF LAWSUIT]

AUTHORIZING SETTLEMENT OF LITIGATION OF PATRICK WONG AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $45,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section I. The City Attorney is hereby authorized to settle the action entitled "Patrick Wong vs. City and County of San Francisco, et al.; Superior Court Action No. 975-185, by the payment of 45,000.00.

APPROVED AS TO FORM
AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joanne Hoyer FOR
PATRICK J. MAHONEY
Chief Trial Attorney

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

5M-AAA-AAA 35-00-00
352730 05311 $45,000.00

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0876

JUL - 2 1998
Date Approved

Mayor

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FILE NO. 98-0877 ORDINANCE NO. 226-98

RO#97256

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF HOSEA LARUE SHOW, JR., ET AL. AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $50,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Hosea Larue Shaw, Jr., et al., v. City and County of San Francisco, et al., Superior Court No. 986-117 by the payment of $50,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joanne Hoyer FOR

PATRICK J. MAHONEY
Chief Trial Deputy

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

5M-AAA-AAA 35-00-00
352730 05311 $50,000.00

NAME OF SUPERVISOR/COMMITTEE/DEPARTMENT
BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 15, 1998	§	June 22, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No. 98-0877

JUL - 2 1998
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 17 1998
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PUBLIC LIBRARY

FILE NO. 98-0880 ORDINANCE NO. 227-98

[Water Rates]

APPROVING REVISED SCHEDULE OF RATES TO BE CHARGED BY THE SAN FRANCISCO PUBLIC UTILITIES COMMISSION FOR WATER SERVICE TO ITS SUBURBAN RESALE CUSTOMERS

Be it ordained by the People of the City and County of San Francisco

Section 1. The Public Utilities Commission adopted on May 26, 1998 its Resolution No.98-0126, after having held a public hearing on May 26, 1998 to consider a proposal for a 13% rate decrease for water service and water supplied to its suburban resale customers with long term contracts. Members of the public have been given an opportunity and have expressed their views on the recommended Schedule of Rates. Pursuant to a published notice of intention of the Public Utilities Commission to adopt a revised Schedule of Rates to be charged for suburban resale water service, and a public hearing held on May 26, 1998, a copy of said Schedule W-25 Resale Use with Long Term Contract being on file in the office of the Secretary of the Commission, the Commission recommended a 13% rate decrease as enumerated in the Schedule W-25 to be charged for suburban resale water service

Section 2. The foregoing rate schedule is for the purpose of meeting operating expenses, including employee wage rate and fringe benefits, purchasing or leasing or supplies, equipment or materials, meeting financial reserve needs and requirements, obtaining funds for capital projects necessary to maintain service within existing service areas and other budgetary requirements of the Public Utilities Commission's water service enterprise.

Section 3. The Public Utilities Commission, in accordance with Administrative Code Sec 2.25 - 2.29, recommended the revised Schedule of Rates to be charged for suburban resale water service based upon the water service enterprise budget for the current and

ensuing fiscal year, and all the data supporting such conclusions. The Public Utilities Commission has submitted to this Board in support of said Schedule of all of the data upon which it is based for the current fiscal year (1997-98) and the ensuing fiscal year (1998-99)

Section 4. This Board of Supervisors hereby finds that said Schedule will provide revenues adequate to fund the 1997-98 departmental budget and will be sufficient to pay, for the balance of the current year and for the ensuing fiscal year, all expenses of every kind and nature incidental to the operation and maintenance of the San Francisco water service enterprise, together with the interest and sinking fund charges for any bonds issued for the acquisition, construction or extension of the San Francisco water service enterprise without tax subsidy.

Section 5. FY 1998-99 Schedule W-25, as recommended by the Public Utilities Commission and on file with the Clerk of the Board of Supervisors, shall be effective with meter readings made on or after July 1, 1998.

APPROVED AS TO FORM
LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

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JUL 17 1998
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PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
June 15, 1998	§	June 22, 1998
	§	
	§	
Ayes: Supervisors Ammiano Bierman	§	Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina	§	Brown Katz Kaufman Leno Medina
Newsom Teng Yaki Yee	§	Newsom Teng Yaki Yee

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0880

JUL - 2 1998
Date Approved

Mayor

FILE NO. 98-0737 ORDINANCE NO. 228-98

[Recreation and Park Fees]

AMENDING THE SAN FRANCISCO PARK CODE BY ADDING SECTIONS 11.05 THROUGH 11.07 APPROVING FEES FOR THE JAPANESE TEA GARDEN, COIT TOWER AND WEDDING CEREMONIES.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings: Pursuant to San Francisco Charter Section 2.109, the Board of Supervisors is required to approve the following fees and charges established by the Recreation and Park Department. These fees and charges reflect increases to the fee schedules in effect since July 1, 1996.

Section 2. Article 11 of the San Francisco Park Code is hereby amended by adding Sections 11.05 through 11.07, to read as follows:

SEC. 11.05 JAPANESE TEA GARDEN

(a) The following fees shall be charged for admission to the Japanese Tea Garden

Age Category	Admission Fee
Adult	$3.50
Adult with Muni Pass	$2.00
Senior	$1.25
Child (6-12 years)	$1.25
Child (under 6 years)	$0.00

The first hour and last hour of each day is free of charge to all visitors

(b) The Recreation and Park Commission is authorized to establish a program offering a fifty percent (50%) reduction of fees to the Japanese Tea Garden for the first Wednesday of each month for up to nine months of the year.

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SEC. 11.06 COIT TOWER

The following fees shall be charged for admission to Coit Tower:

Age Category	Admission Fee
Adult	$3.75
Adult with Muni Pass	$3.00
Senior	$2.50
Child (6-12 years)	$1.50
Child (under 6 years)	$0.00

SEC. 11.07 Wedding Fee for Chinese Pavilion, Palace of Fine Arts Rotunda, Shakespeare Garden and Queen Wilhelmina Garden.

A fee of $350.00 for the first two hours shall be charged to conduct wedding ceremonies and receptions at the Chinese Pavilion, Palace of Fine Arts Rotunda, Shakespeare Garden and Queen Wilhelmina Garden. A fee of $35.00 for each additional hour after two hours shall be charged.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Valerie Stoupis
VALERIE J. STOUPIS
Deputy City Attorney

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JUL 17 1998
SAN FRANC
PUBLIC LIBRARY

Board of Supervisors, San Francisco

Passed on First Reading

June 22, 1998

Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina
Newsom Teng Yaki Yee

§ Finally Passed
§
§ June 29, 1998
§
§
§ Ayes: Supervisors Ammiano Bierman
§ Brown Katz Kaufman Leno Medina
§ Newsom Teng Yee
§
§ Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0737

JUL - 2 1998

Date Approved

Mayor

FILE NO. 98-0846

ORDINANCE NO. 229-98

(EMPLOYEE HEALTH COVERAGE)

AMENDING SECTION 16.157, SAN FRANCISCO ADMINISTRATIVE CODE, APPROVING HEALTH SERVICE SYSTEM PLANS AND RATES OF CONTRIBUTION AS ADOPTED BY THE HEALTH SERVICE BOARD.

Be it ordained by the people of the City and County of San Francisco.

Note: Additions or substitutions are underlined
Deletions are in ((double parenthesis))

Be it ordained by the people of the City and County of San Francisco.

Section 1. The San Francisco Administrative Code is hereby amended by amending Section 16.157 to read as follows:

Section 16.157. HEALTH SERVICE SYSTEM: PLAN AND CONTRIBUTION RATES. Changes in contribution rates adopted by the Health Service Board, as respects the plans of the Health Service System, to become effective on July 1, ((1997)) 1998 for the fiscal year July 1,((1997)) 1998 through June 30, ((1998)) 1999 approved by the Health Service Board in actions taken by it on ((January 29, 1997)) February 26, 1998, which plans and contribution rates are on file with the Clerk of the Board of Supervisors, are hereby approved.

APPROVED AS TO FORM:

LOUISE H. RENNE
City Attorney

By: Teresa Stricker-Croley
Deputy City Attorney

RECOMMENDED:

Ann Sommercamp
Deputy Director, Human Resources
Health Service System

Andrea R. Courdine
Human Resources Director

HEALTH SERVICE SYSTEM

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 22, 1998	June 29, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yaki Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0846

JUL - 2 1998
Date Approved

Mayor

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[SEWER SERVICE CHARGE]

ADOPTING AND IMPOSING SCHEDULES OF SEWER SERVICE CHARGES TO BE PAID BY USERS FOR FISCAL YEAR 1998-1999 PURSUANT TO PART II, CHAPTER X, ARTICLES 4.1 AND 4.2 OF THE SAN FRANCISCO MUNICIPAL CODE (PUBLIC WORKS CODE).

Be it ordained by the People of the City and County of San Francisco:

Section 1. In order to qualify for federal and state grant assistance and in accordance with the provisions of Board of Supervisors Resolution No. 656-92, adopted August 4, 1992, as amended, providing for the issuance of sewer revenue bonds, the City and County must establish sewer service charges that will provide sufficient revenue to meet the cost of operation and maintenance, replacement of equipment and structures, and debt service of the sewerage system. The General Manager of Utilities has prepared a report titled "Report on Sewer Rates for Fiscal Year 1998-1999" (on file with the Clerk of the Board of Supervisors in File No. 98-0881) explaining the method of deriving such charges. The General Manager of Utilities recommends a program of uniform rate increases for average residential accounts whenever possible. The Mayor and the General Manager of Utilities recommend, with the concurrence of the Controller, schedules of the sewer service charges to be paid by users pursuant to Part II, Chapter X, Article 4.2 of the San Francisco Municipal Code (Public Works Code).

Section 2. Federal laws that require each sewer system discharger to pay charges proportionately to his or her use of the system provide an exception to this requirement that would allow the City to charge reduced rates for residences designated as low income. The Board of Supervisors desires to provide reduced sewer service charge rates for boarding houses, motels and hotels that are participating in the Community House Program as certified and operated by the Department of Human Services for the benefit of low income general assistance recipients and homeless persons.

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Section 3. The Certificate of Determination of Exemption/Exclusion From Environmental Review on file in Board of Supervisors File No. 98-0881 states that the adoption of the sewer service charge schedules, as stated herein, is exempt from environmental review requirements in accordance with California Public Resources Code Section 21080(b)(8).

Section 4. All income related to the Clean Water Public Service Enterprise Fund, including, but not limited to, investment income on sewer service charge collections, Water Quality Improvements Trust Fund balances and unexpended balances of proceeds resulting from the issuance of general obligation and revenue bonds, shall be credited on a quarterly basis to the Clean Water Public Service Enterprise Fund. All monies remaining in the Clean Water Public Service Enterprise Fund at the end of each fiscal year shall be set aside in a fund entitled Surplus Revenue Fund and shall be used to reduce the requirements of the sewer service charge during the next succeeding year.

Section 5. The following schedules of sewer service charges to be paid by all dischargers to San Francisco's sewerage system are hereby adopted and imposed pursuant to Part II, Chapter X, Article 4.2 of the San Francisco Municipal Code (Public Works Code):

SCHEDULE A This schedule shall apply to users connected to an individual or a common water meter whose sewage discharge contains more than fifty percent (50%) wastewater originating from the result of human habitation in dwelling units, defined herein to be a room or suite of two (2) or more rooms that is designed for, or is occupied by, one (1) family doing its own cooking therein and having only one (1) kitchen; or provided, however, that dwelling unit shall not include a boarding house, motel or hotel as defined in the City Planning Code. The rates under this schedule are based upon the typical strengths (parameter loadings) of residential wastewater as determined by the General Manager of Utilities and upon the parameter costs as follows:

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Parameter	Unit Cost
Volume of wastewater discharged	$3.9171 per 100 cubic feet (1 unit)
PLUS	
Suspended Solids discharged	$0.4311 per lb
PLUS	
Grease/Oil discharged	$0.5940 per lb
PLUS	
Chemical oxygen demand discharged	$0.0909 per lb

Based upon the above parameters and unit costs, all residential users who have not had their flow factor percentage (percentage of water consumption discharged to the sewer) reduced as a result of the Residential Users Appeals Procedure shall be charged on the basis of water consumption in accordance with the schedule of rates which includes a flow factor of ninety percent (90%), as follows:

LIFELINE RATE	The first 300 cubic feet of water consumption per residential dwelling unit per month shall be charged at the lifeline rate of $1.8623 per 100 cubic feet of water consumption.
EXCESS OF LIFELINE RATE	All water consumption in excess of 300 cubic feet per residential dwelling unit per month shall be charged at the rate of $4.8334 per 100 cubic feet of water consumption.

Residential users whose flow factor percentages have been reduced as result of the Residential Users Appeals Procedure shall be charged on the basis of water consumption in accordance with the above unit rates, except that the flow factor shall be that determined by the appeals procedure instead of ninety percent (90%).

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SCHEDULE B. Users, other than those users charged under Schedule A of this ordinance, whose parameter loadings are established by the General Manager of Utilities in accordance with the provisions of Part II, Chapter X, Articles 4.1 and 4.2, of the San Francisco Municipal Code (Public Works Code) shall be charged the cost for each parameter according to the following:

Parameter	Unit Cost
Volume of wastewater discharged determined in accordance with Part II, Chapter X, Articles 4.1 and 4.2 of the San Francisco Municipal Code (Public Works Code)	$4.1054 per 100 cubic feet (1 unit)
PLUS	
Suspended Solids discharged	$0.5537 per lb.
PLUS	
Grease/Oil discharged	$0.7512 per lb.
PLUS	
Chemical oxygen demand discharged	$0.1113 per lb.

Those users who are charged under Schedule B of this ordinance and who are determined by the General Manager of Utilities as being engaged in manufacturing, as defined by Division D of the Standard Industrial Classifications published by the Office of the President of the United States Office of Management and Budget (1972), shall be charged for wet weather debt service at such unit costs as are determined by the General Manager of Utilities on the basis of such user's sanitary waste, excluding any sewer discharge resulting from a manufacturing process, in accordance with such procedures for application and determination as established by the General Manager of Utilities.

SCHEDULE C. Users, other than those users charged under Schedule A of this ordinance and whose parameter loadings are not established by the General Manager of Utilities in accordance with

Schedule B of this ordinance, shall be charged at the rate of $5.3483 per 100 cubic feet of water consumption. The rate under this schedule is based on the a ninety percent (90%) flow factor and parameter loadings and parameter costs as follows:

Parameter	Unit Cost
Volume of wastewater discharged	$4.1054 per 100 cubic feet (1 unit)
PLUS	
Suspended Solids discharged	$0.5537 per lb
PLUS	
Grease/Oil discharged	$0.7512 per lb.
PLUS	
Chemical oxygen demand discharged	$0.1113 per lb.

Section 6. For purposes of calculating and imposing sewer service charges in accordance with Part II, Chapter X, Articles 4.1 and 4.2 of the San Francisco Municipal Code (Public Works Code), sewer service rates set forth in Schedule B and in Schedule C applicable to water consumption for each certified tenant unit, as calculated by the General Manager of Utilities, in boarding houses, motels and hotels that are participating in the Community House Program certified and operated by the Department of Social Services for the benefit of homeless and low income general assistance recipients shall be reduced by a factor of fifty percent (50%).

Section 7. The sewer service charge schedules set forth in this ordinance will not apply to special agreements executed by the City and a discharger; provided that such agreements may be negotiated only when justified by special circumstances not generally applicable to other discharges, that such agreements shall provide schedules of sewer service charges and other terms and conditions that may be required as the result of any outstanding bonded indebtedness or loan agreements and the requirements of local, state and federal laws and regulations, and that such agreements shall be approved by the Board of Supervisors.

(Public Utilities Commission)

Section 8 If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part hereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part hereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

Section 9. This ordinance shall take effect immediately upon adoption by the Board of Supervisors and signature by the Mayor. The rates adopted pursuant to this ordinance shall be used in conjunction with meter readings made on or after July 1, 1998, or as soon thereafter as possible.

Recommended:

By: _____
Willie L. Brown, Jr.
Mayor

By: _____
Anson B. Moran
General Manager of Utilities
Public Utilities Commission

Concurred:

By: _____
Edward Harrington
Controller

Approved as to Form
Louise H. Renne
City Attorney

By: _____
Deputy City Attorney

(Public Utilities Commission)

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41 Main Library-Civic Center
100 Larkin Street
Mailslot

Board of Supervisors, San Francisco

Passed on First Reading

June 22, 1998

Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina
Newsom Teng Yaki Yee

§ Finally Passed
§
§ June 29, 1998
§
§
§ Ayes: Supervisors Ammiano Bierman
§ Brown Katz Kaufman Leno Medina
§ Newsom Teng Yee
§
§ Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0881

JUL - 2 1998

Date Approved

Mayor

FILE NO. 98-0703 ORDINANCE NO. 231-98

[Supervisors' Ballot Arguments]

AMENDING THE MUNICIPAL ELECTIONS CODE TO ADD SECTION 586 TO PROVIDE THAT WHEN AN ARGUMENT IS SUBMITTED BY THE BOARD OF SUPERVISORS FOR PUBLICATION IN THE VOTER INFORMATION PAMPHLET, THE CLERK OF THE BOARD OF SUPERVISORS SHALL FORWARD TO THE DIRECTOR OF ELECTIONS A LIST OF THE SUPERVISORS WHO VOTED FOR SUBMISSION OF THE ARGUMENT AND A LIST OF THE SUPERVISORS WHO VOTED AGAINST SUBMISSION OF THE ARGUMENT, AND THE DIRECTOR OF ELECTIONS SHALL INCLUDE A STATEMENT DISCLOSING THE NAME OF EACH SUPERVISOR WHO VOTED FOR AND AGAINST SUBMISSION OF THE ARGUMENT IMMEDIATELY FOLLOWING THE ARGUMENT IN THE PAMPHLET.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Municipal Elections Code is hereby amended by adding Section 586, to read as follows:

SEC. 586. PUBLICATION OF ARGUMENTS SUBMITTED BY THE BOARD OF SUPERVISORS; IDENTIFICATION OF SUPERVISORS VOTING FOR AND AGAINST SUBMISSION OF THE ARGUMENT. When an argument is submitted by the Board of Supervisors for publication in the Voter Information Pamphlet, the Clerk of the Board of Supervisors shall forward to the Director of Elections a list of the Supervisors who voted for and a list of the Supervisors who voted against submission of the argument. Immediately following the argument in the Voter Information Pamphlet, the Director of Elections shall publish a

///

statement disclosing the name of each Supervisor who voted for and against submission of the argument. The text of this statement, including the names of the Supervisors, shall not be counted toward the word limits specified in Sections 575 and 550(a) of this Article.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: _____
JULIA A. MOLL
Deputy City Attorney

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JUL 30 1998
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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
June 29, 1998	§	July 6, 1998
	§	
	§	
Ayes: Supervisors Ammiano Bierman	§	Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina	§	Brown Katz Kaufman Leno Medina
Newsom Teng Yee	§	Newsom Teng Yee
	§	
Absent: Supervisor Yaki	§	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0703

JUL 10 1998
Date Approved

Mayor

FILE NO. 98-0885 ORDINANCE NO. 232-98

[Changing Official Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION 1542 TO CHANGE THE OFFICIAL SIDEWALK WIDTH OF A PORTION OF: A) NINTH STREET BETWEEN BRANNAN AND DIVISION STREETS AND B) DIVISION STREET BETWEEN BRANNAN AND NINTH STREETS, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-482, MAKING FINDINGS PURSUANT TO THE GENERAL PLAN AND PLANNING CODE SECTION 101.1, AND REQUIRING RELOCATION, MODIFICATION, OR BOTH OF FACILITIES AFFECTED BY THE SIDEWALK WIDTH CHANGES.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors by adding thereto a new section to read as follows:

SECTION 1542. The width of the sidewalks on a portion of: a) Ninth Street between Brannan and Division Streets and b) Division Street between Brannan and Ninth Streets shall be as shown in the Department of Public Works drawing labeled Q-20-482 (a copy of which is in the Clerk of the Board of Supervisor's File No. 98-0885).

Section 2. The Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated July 7, 1997 (a copy of which is in the Clerk of the Board of Supervisors' File No. 98-0885), which stated that the proposed changes to the official sidewalk width are consistent with the General Plan and Eight Priority Policies of Planning Code Section 101.1.

Section 3. The Applicant for the sidewalk width changes is required to make arrangements with public utilities and City Departments for the relocation, modification, or both of facilities in the affected sidewalk and street areas.

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

MARK A. PRIMEAU
Director of Public Works

DESCRIPTION APPROVED BY:
DEPARTMENT OF PUBLIC WORKS

HARLAN L. KELLY, JR.
City Engineer

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

JOHN D. MALAMUT
Deputy City Attorney

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JUL 30 1998
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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 29, 1998	§	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	§	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0885

JUL 10 1998

Date Approved

Mayor

FILE NO. 98-0887 ORDINANCE NO. 233-98

[Changing Official Width of Sidewalk]

AMENDING ORDINANCE NO. 1061 ENTITLED "REGULATING THE WIDTH OF SIDEWALKS" BY ADDING THERETO SECTION 1541 TO CHANGE THE OFFICIAL SIDEWALK WIDTH AT THE ~~SOUTHWESTERLY~~ SOUTHWESTERLY CORNER OF BRYANT AND DELANCEY STREETS, AS SHOWN ON THE DEPARTMENT OF PUBLIC WORKS DRAWING LABELED Q-20-483, MAKING FINDINGS PURSUANT TO THE GENERAL PLAN AND PLANNING CODE SECTION 101.1 AND REQUIRING RELOCATION, MODIFICATION, OR BOTH OF FACILITIES AFFECTED BY THE SIDEWALK WIDTH CHANGES.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Ordinance No. 1061 entitled "Regulating the Width of Sidewalks" is hereby amended in accordance with the communication filed in the Office of the Clerk of the Board of Supervisors by adding thereto a new section to read as follows:

SECTION 1541. The width of sidewalks at the southwesterly corner of Bryant and Delancey Streets shall be as shown in the Department of Public Works drawing labeled Q-20-483 (a copy of which is in the Clerk of the Board of Supervisor's File No. 98-0887).

Section 2. The Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department in its letter dated January 5, 1998 (a copy of which is in the Clerk of the Board of Supervisors' File No. 98-0887), which stated that the proposed changes to the official sidewalk width are consistent with the General Plan and Eight Priority Policies of Planning Code Section 101.1.

Section 3. The Applicant for the sidewalk width changes shall make arrangements with public utilities and City Departments for the relocation, modification, or both of facilities in the affected sidewalk and street areas.

RECOMMENDED:
DEPARTMENT OF PUBLIC WORKS

MARK A. PRIMEAU
Director of Public Works

DESCRIPTION APPROVED BY:
DEPARTMENT OF PUBLIC WORKS

HARLAN L. KELLY, JR.
City Engineer

APPROVED AS TO FORM:
LOUISE H. RENNE
City Attorney

JOHN D. MALAMUT
Deputy City Attorney

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JUL 30 1998
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Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 29, 1998	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0887

JUL 10 1998
Date Approved

Mayor

FILE NO. 98-0888 ORDINANCE NO. 234-98

[REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS - PARKING AUTHORITY]

AMENDING ARTICLE I, CHAPTER XVI, PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY AMENDING SECTION 16.6-15 THERETO, PROVIDING FOR THE REPRESENTATION OF THE CITY AND COUNTY IN CERTAIN ORGANIZATIONS.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter XVI of the San Francisco Administrative Code is hereby amended by amending Section 16.6-15, to read as follows:

SEC. 16.6-15. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PARKING AUTHORITY.

The International Parking Institute ((Municipal Parking Congress)).

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: JOHN I. KENNEDY
Deputy City Attorney

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
June 29, 1998	§	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	§	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0888

JUL 10 1998
Date Approved

Mayor

DOCUMENTS DEPT
JUL 30 1998

FILE NO. 98-0889 ORDINANCE NO. 235-98

[REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS - DEPARTMENT OF PARKING & TRAFFIC]

AMENDING ARTICLE I, CHAPTER XVI, PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY ADDING SECTION 16.6-61 THERETO, PROVIDING FOR THE REPRESENTATION OF THE CITY AND COUNTY IN CERTAIN ORGANIZATIONS.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter XVI of the San Francisco Administrative Code is hereby amended by adding Section 16.6-61, to read as follows:

SEC. 16.6-61. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DEPARTMENT OF PARKING & TRAFFIC.

The American Management Association.

The California Public Parking Association.

The International Parking Institute.

The International Personnel Management Association

The San Francisco Planning and Urban Research.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: JOHN I. KENNEDY
Deputy City Attorney

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 29, 1998	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0889

JUL 10 1998
Date Approved

Mayor

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JUL 30 1998
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FILE NO. 98-0932 ORDINANCE NO. 236-98

RO#97258

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF LUZ-MARY HARRIS AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $100,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Luz-Mary Harris, et al., v. City and County of San Francisco, et al., United States District Court No. C97-3379CW by the payment of $100,000.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

DEPARTMENT OF PUBLIC HEALTH

MITCHELL KATZ, Interim Director

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

1G-AGF-AAA 97-09-87
975015 05311 $100,000.00

APPROVED:

Secretary
Public Health Commission

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 29, 1998	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0932

JUL 10 1998
Date Approved

Mayor

DOCUMENTS DEPT.
JUL 30 1998
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FILE NO. 98-0933 ORDINANCE NO. 237-98

RO#97259

[Settlement Of Lawsuit]

AUTHORIZING SETTLEMENT OF LITIGATION OF SUSAN BROWN AND SHANNON MURPHY, BY AND THROUGH GUARDIAN AD LITEM, SUSAN BROWN AGAINST THE CITY AND COUNTY OF SAN FRANCISCO FOR $79,000.00.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The City Attorney is hereby authorized to settle the action entitled "Susan Brown and Shannon Murphy, by and through guardian ad litem, Susan Brown, et al., v. City and County of San Francisco, et al., San Francisco Superior Court No. 982-030 by the payment of $77,500 to Susan Brown, and $1,500 to Susan Brown as guardian ad litem for Shannon Murphy.

APPROVED AS TO FORM AND RECOMMENDED:

LOUISE H. RENNE
City Attorney

Joann Hoyer For

PATRICK J. MAHONEY
Chief Trial Deputy

RECOMMENDED:

POLICE DEPARTMENT

FRED LAU
Chief

FUNDS AVAILABLE:

EDWARD HARRINGTON
Controller

APPROVED:

Secretary
Police Commission

LG-AGF-AAA 38-00-00
385036 05311 $79,000.00

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 29, 1998	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0933

JUL 10 1998
Date Approved

Mayor

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JUL 30 1998
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Govt Information Ctr
41 Main Library-Civic Center
100 Larkin Street
Mailslot

FILE NO. 98-0795

AS AMENDED IN COMMITTEE
6/18/98
AS AMENDED IN BOARD
6/29/98

ORDINANCE NO. 238-98

[PERMIT REGULATIONS FOR HORSE-DRAWN VEHICLE COMPANIES]

AMENDING THE SAN FRANCISCO POLICE CODE BY ADDING ARTICLE 7.1, SECTIONS 500 THROUGH 509, PROVIDING REGULATIONS FOR THE OPERATION OF HORSE-DRAWN VEHICLE COMPANIES AND HORSE DRAWN VEHICLE DRIVERS.

Note: All language is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. The San Francisco Police Code is hereby amended by adding Article 7.1 thereto, to read as follows:

SEC. 500. AUTHORITY TO ADOPT THIS ARTICLE. These horse-drawn vehicle rules and regulations are adopted pursuant to the authority granted in the Board of Supervisors of the City and County of San Francisco.

SEC. 500.1. AUTHORITY TO ISSUE REGULATIONS. The Chief of Police has authority, after a noticed public hearing, to adopt such rules and regulations that do not conflict with this Article to effect the purposes of this Article.

SEC. 500.2. PERMITS REQUIRED.

1. It shall be unlawful to operate, or cause to be operated, a horse-drawn vehicle business within the City and County of San Francisco without first obtaining a permit from the San Francisco Police Chief.

2. It shall be unlawful to drive a horse-drawn vehicle for hire within the City and County of San Francisco without first obtaining a horse-drawn vehicle driver's permit from the Chief of Police.

3. It shall be unlawful to operate, or cause to be operated, any horse-drawn vehicle for hire within the City and County of San Francisco without first obtaining a permit, license, or contract for a "stand" that is acceptable to the San Francisco Police Chief. If the stand is on Port property a permit must also be obtained from the Port of San Francisco.

6/18/98 grh

SEC. 500.3. PERMITS; EXCEPTION. The permit requirements of this Article shall not apply to the use of horse-drawn vehicles for a special event, provided that during the special event rides are not made available to the public. The "special event" horse-drawn vehicle must meet insurance requirements as described in this Article. If the event occurs on Port property a permit to use said property will also be required.

6/18/98 grh

SEC. 500.4. TRANSFER OF PERMITS. Any and all permits issued pursuant to this Article are not transferable.

SEC. 501. DEFINITIONS.

1. **Horse-Drawn Vehicle.** Includes any wagon, coach, omnibus or any vehicle powered in whole or in part by a horse, mule, or other animal.

2. **For Hire or Business.** Horse-drawn vehicle service ~~or~~ for consideration.

6/18/98 grh

3. **Employee.** Person who works for or renders services to a horse-drawn vehicle for hire.

4. **Driver or Operator.** Person who drives or operates a horse-drawn vehicle.

5. **Qualified Veterinarian.** A licensed veterinarian who is an expert in the care of horses.

6. **Stand.** The portion of a curb lane, or any private or public property location, used for loading, unloading or waiting for passengers of horse-drawn vehicles. A "stand" must be approved by the Chief of Police and other affected City and County of San

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Francisco department or agency.

7. **Applicant.** If a sole proprietorship, any person. If a partnership, each partner. If a corporation, each director, corporate officer, and stockholder owning ten percent (10%) or more of the corporation's stock.

SEC. 502. HORSE-DRAWN VEHICLE BUSINESS PERMIT.

A. Prior to applying for a Horse-Drawn Vehicle business permit, the applicant shall obtain:

1. A San Francisco horse-drawn vehicle business address.
2. Evidence of a valid permit, license or contract for use of a "stand" by the Horse-drawn vehicle business at a location acceptable to the Chief of Police.
3. A mechanical inspection report for each vehicle. (Payment of the cost of inspection is the responsibility of the applicant.) The inspection report shall include the following:
   a) The mechanical evaluator's name, employer, business address and phone number.
   b) The mechanical evaluator's relevant training, experience, and professional license numbers.
   c) Date of inspection and inspection results, including the evaluator's conclusions regarding vehicle condition, safety concerns, and maximum safe speed, weight and seating capacity.
4. A medical inspection report for each animal, made by a qualified veterinarian. (Payment of the cost of inspection is the responsibility of the applicant.)

The medical inspection report shall include the following:

   a) The medical evaluator's name, employer, business address and phone number.
   b) The medical evaluator's relevant training, experience, and professional license numbers.
   c) Date of inspection and inspection results, including vaccination information, the animal's general medical condition, identification of any specific health issues, and the evaluator's opinion as to whether the animal is fit to power a fully loaded vehicle in City traffic.
5. A training report, authored by the animal trainer or owner, containing the name of the animal's trainer, the place and date of training, the content of the training, and certification that the animal is trained to safely power a fully loaded vehicle of the type to be used in City traffic. (Training costs are the responsibility of the applicant.)

B. The application for the Horse Drawn Vehicle business permit shall be made in writing and filed with the Chief of Police. The applicant shall provide:

1. Applicant's name(s), address(es), and telephone number(s).
2. The physical location of the "stand"
3. A description of each vehicle to be operated, including photographs and other identifying information to distinguish each horse-drawn vehicle from any other.
4. The mechanical inspection report for each vehicle.
5. Identification of each animal used to power the vehicle(s), including photographs, and other identifying information sufficient to distinguish each animal from

any other that the applicant intends to use.

6. The medical evaluation report for each animal.

7. The training report for each animal.

8. A detailed description of the route to be followed by the horse-drawn vehicles.

SEC. 502.5. DRIVER PERMITS. It shall be unlawful for any person to act as a driver of any horse-drawn vehicle for hire licensed pursuant to this Article unless that person holds a driver's permit from the Chief of Police issued pursuant to this Section.

1. Application for a permit to drive a horse-drawn vehicle shall be made to the Chief of Police on a form provided by the Police Department. The applicant shall pay to the City and County of San Francisco a public passenger vehicle driver application and license fee as prescribed in Sections 2.26.1 and 2.27.1 of this Code. The application shall include, but not be limited to, the following information:

a) Applicant's name, address, phone number, height, weight, eye color, date of birth, and Social Security Number.

b) Applicant's California driver's license number, license class and driving restrictions. The applicant shall provide a current copy of his or her driving record from the Department of Motor Vehicles.

c) All criminal offenses for which the applicant has been convicted, including the date and disposition of the criminal matter.

d) Three (3) photographs of applicant's face, frontal view, approximately 2"x2" in size, taken within one month of the application.

e) A complete set of applicant's fingerprints taken by the San Francisco Police Department.

f) A document certifying that the applicant has been trained in equine care and horse-driving from a qualified trainer. The document shall contain, but not be limited to, the training received, dates and locations of training, trainer identification, trainer's employer and trainer's address, phone number, professional licenses, training and experience.

g) Such other information as the Chief of Police may deem necessary.

SEC. 503. PERMIT INVESTIGATION, HEARING AND ISSUANCE. The Chief of Police, upon receipt of an application for a horse-drawn vehicle business or driver's permit, shall make an investigation without unnecessary delay, hear the application, and grant such application unless he or she finds that the applicant:

1. Has been convicted, or pled "no contest" or guilty, within the five (5) year period prior to the date of application, of any serious felony, crime of moral turpitude, or any crime related to animal cruelty or endangerment.

2. Has falsified, caused to be falsified, or encouraged falsification of, any statement or document relevant to the permit application process.

3. Has been found responsible for animal cruelty or endangerment in any criminal, civil, or administrative proceeding.

4. Does not have the necessary qualifications or does not meet the requirements to operate a horse-drawn vehicle business or drive a horse-drawn vehicle, as applicable.

5. Has previously violated the Rules of Operation for the operation of a horse-drawn

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vehicle business.

SEC. 503.5. EXPIRATION, SUSPENSION AND REVOCATION OF PERMITS.

1. The Chief of Police may suspend or revoke for good cause, any Police Department-issued permit held by the horse-drawn vehicle business, or any horse-drawn vehicle driver, issued pursuant to this Article. "Good cause" includes, but is not limited to, a Chief of Police finding, after a noticed public hearing, that the permit holder has engaged in any activity that would be grounds for denial of a horse-drawn vehicle business or driver's permit.

2. Permits may be revoked or suspended if the annual license fee is not paid to the San Francisco City and County Tax Collector.

3. Within thirty (30) days of the renewal date for a horse-drawn business permit, the permit holder shall submit, to the Chief of Police, recertification and reinspection reports for each animal and vehicle as described in this Article.

6/18/98 grh 4. Port permits may be revoked at the discretion of the San Francisco Port Commission.

SEC. 504. INSURANCE REQUIREMENTS.

1. It shall be unlawful for any person to operate any horse-drawn vehicle business without sufficient insurance, pursuant to the requirements set forth by the City's Risk Manager.

a) Applicants shall file with the Chief of Police, and thereafter keep in full force and effect, an insurance policy acceptable to the Chief of Police. The insurance policy shall cover any and all damage claims arising out of the horse-drawn vehicle operation, including but not limited to all property damage and bodily injury.

b) Any deductibles in policies shall not exceed $1,000.00 for each occurrence. All policies shall be endorsed to provide thirty (30) days advance written notice to the City and

County of San Francisco of the cancellation, non-renewal or reduction in coverage, mailed to the following address:

City and County of San Francisco

San Francisco Police Permit Section

850 Bryant Street, Room 458

San Francisco, CA 94103

6/18/98 grh In the case of a stand on property under the jurisdiction of the San Francisco Port Commission, the insurance policy shall name the City and County of San Francisco, the San Francisco Port Commission, its agents and its employers as additional insured.

SEC. 505. RULES OF OPERATION.

1. No horse-drawn vehicle for hire shall operate in the City and County of San Francisco unless the owner(s) and operator(s), as applicable, have valid horse-drawn vehicle business and driver's permits, current tax licenses and "stand" contracts, licenses or permits. The horse-drawn vehicle business vehicles and animals shall meet all requirements of this Article.

2. No horse-drawn vehicle for hire shall operate in the City and County of San Francisco unless the operator has within the vehicle the operator's valid California driver's license and a copy of the permits for the horse-drawn vehicle business, driver and "stand".

3. The operator shall, on the demand of any peace officer, or his or her agent, present copies of all required licenses and permits.

4. The horse-drawn vehicle business permit holder, or his or her agent or employee, shall supply information regarding the condition of the business' vehicles and/or animals within one business day when requested by a peace officer or his or her agent.

5. All drivers, agents and employees or a horse-drawn vehicle business shall comply with all traffic and other laws adopted by the State of California and/or the City and County of San

Francisco and all horse-drawn vehicle regulations enacted by the Chief of Police.

6. No person may sit in the driver's compartment area or position except the permitted driver.

7. No horse-drawn vehicle driver, agent or employee shall have any firearm or illegal weapon in any part of the horse-drawn vehicle or in his or her possession while working.

8. No horse-drawn vehicle driver, agent or employee shall possess or control any alcoholic beverage or illegal drug while near or responsible for the horse-drawn vehicle, "stand" or animal.

9. No driver shall operate any horse-drawn vehicle, or handle any horse-drawn vehicle animal, after consumption of prescription or non-prescription drugs or medication, if the effect of that drug or medication limits or hinders, in any way, the driver's ability to operate the horse-drawn vehicle or to care for the animal.

10. No owner, driver, agent or employee of a horse drawn business shall fail or refuse to comply with a lawful order from any peace officer.

11. No person may solicit members of the public for horse-drawn vehicle services except at an authorized "stand".

12. Horse-drawn vehicles shall park, wait for, and pick up passengers only at authorized "stands". Further, while loading or unloading passengers, the driver shall maintain personal and direct control of the horse or animal by holding the reins.

13. Drivers shall not unnecessarily stop or wait at any location other than an authorized "stand", except for passengers to disembark.

14. Any horse-drawn vehicle business owner, driver, agent or employee, who finds the property of another, shall return the property to its rightful possessor. If the rightful possessor is unknown, the horse-drawn vehicle business shall hold the property for no more than thirty (30 days before delivering the property to a San Francisco police officer.

a) The horse-drawn vehicle business shall keep a log of all found property. The log shall include entries for the date and time the property was found, a description of the property, and disposition of the property.

b) After the thirty (30) day period, any unclaimed property shall be delivered to a San Francisco police officer for safekeeping.

c) Failure to safeguard found property may subject the driver and/or horse-drawn vehicle business to permit revocation proceedings.

15. Every horse-drawn vehicle operator shall keep an accurate and legible waybill. Waybills shall be retained for at least one year at the horse-drawn vehicle business address and be available for review by any peace officer or his or her agent during normal business hours. Waybills shall set forth, as a minimum, the following information:

a) Driver's name

b) Vehicle number

c) Date of waybill

d) Starting time for period covered by waybill

e) Origin and destination of each trip

f) Time of hire and discharge for each trip

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g) Charges for each trip

h) Number of passengers for each trip

i) The identity of the horse used for each trip

16. The driver must maintain control of the horse or animal at all times and never leave the horse-drawn vehicle unattended.

17. The horse-drawn vehicle shall not block or impede traffic at or near the "stand" when the "stand" is occupied with another horse-drawn vehicle.

18. The horse-drawn vehicle business shall operate horse-drawn vehicles at least seven (7) days during any given calendar month.

19. The Chief of Police, or the Chief's designee, has the authority to restrict or suspend the operation of horse-drawn vehicles for any situation that reasonably warrants the restriction or suspension.

20. For special events, the horse-drawn vehicle business or driver must submit to the Chief of Police two (2) weeks prior to the event a proposed route for consideration and approval.

21. If a horse-drawn vehicle participates in a special event that is not along the horse-drawn vehicle's authorized route, the horse or animal and vehicle must be transported by another, appropriate vehicle(s) to and from the site of the special event.

SEC. 506. VEHICLE REGULATIONS.

1. Each horse-drawn vehicle shall be maintained in good working order and in a clean and attractive manner.

2. Each vehicle shall have the horse-drawn vehicle business name and a number painted

or otherwise permanently affixed to the rear of the vehicle in a clear and conspicuous manner. The name and number shall be free of obstruction and clearly visible and legible to the public.

3. Each carriage shall have the relevant hiring rates, and any other charges, posted in clear and legible fashion on the exterior of both sides of the vehicle.

4. The passenger compartment of each vehicle for hire shall have posted, without obstruction, the driver's permit and photograph.

5. All vehicles shall be equipped with a supply of complaint cards, approved by the Chief of Police, and available to any passenger on demand.

6. All vehicles shall be equipped with a device sufficient to catch horse excretion while on public property, and on private property that allows public access.

7. No horse-drawn vehicle shall display advertising on its interior or exterior.

8. All vehicles shall comply with the equipment standards set forth in Division 12 of the California Vehicle Code.

9. If it is reasonably determined that there is a mechanical failure of the equipment or the vehicle the Chief of Police or the Chief's designee may remove the horse-drawn vehicle from service. The Chief of Police or the Chief's designee may seek the advice of a qualified professional. A statement of findings must be provided from a qualified professional and approved by the Chief of Police or the Chief's designee prior to the horse-drawn vehicle returning to service. All expenses incurred are the responsibility of the permit holder.

SEC. 507. HORSE OR HORSE-DRAWN VEHICLE ANIMAL REGULATIONS.

1. All horse-drawn vehicle animals shall be fit for the purpose of powering a fully loaded

horse-drawn vehicle. To determine fitness, each horse-drawn vehicle animal shall be examined every six months by a qualified veterinarian, who shall issue a report. The veterinarian report shall be made on a form approved by the Chief of Police. The report shall include, but not limited to:

a) The information required in Section 502.(4.)(a) of this Article.

b) Status of immunization, deworming and dental work

c) Farrier status

d) Blood and pap tests.

e) Any other test deemed prudent by the veterinarian.

2. The Chief of Police or the Chief's designee may immediately suspend the use of any horse-drawn vehicle animal and order a medical evaluation or specific treatment for the animal by a certified veterinarian. The Chief of Police or the Chief's designee may seek the advice of a qualified professional. A statement of findings must be provided from a certified veterinarian, qualified in horse treatment and care, and approved by the Chief of Police or the Chief's Designee prior to the animal returning to service. All costs associated with medical tests, evaluations and treatments are the responsibility of the permit holder.

3. No animal shall be used to power a vehicle in the City and County of San Francisco if the animal has an open sore or wound.

4. No animal shall be used to power a vehicle in the City and County of San Francisco unless the animal has hoofs that are properly shod and trimmed. Farrier records shall be kept for

each animal.

5. No animal shall be used to power a vehicle in the City and County of San Francisco unless the animal is groomed daily, is free of fungus parasites and dandruff, and has a healthy coat.

6. No horse-drawn vehicle animal shall work more than six consecutive days in a week or more than six (6) hours in any twenty-four (24) hour period.

7. Each horse-drawn vehicle animal shall be given water and rest for not less than fifteen (15) minutes during each working hour.

8. Other than normal blinders, no horse drawn vehicle animal shall work with equipment causing any vision impairment.

9. Whips may be used only in cases to control the animal where the horse-drawn vehicle or the animal will cause immediate danger or harm to others.

10. No horse-drawn vehicle animal shall work with a harness or bit that is not approved by the Chief of Police or his Designee. The harness shall be oiled and cleaned as to be soft at all times. It also shall be fitted, properly maintained, and free of makeshift connections such as wire, cloth or tape.

11. Whenever animals are housed on asphalt, concrete or other hard surfaces the floors must be covered with rubber floor pads.

SEC. 508. PUNISHMENT. Any person who violates any provision(s) of this Article is guilty of a misdemeanor, and upon conviction shall be punished by fine not to exceed $1000.00, imprisonment not to exceed one year in the County Jail, or by both such fine and

6/29/98

SEC.507.a The Board of Supervisors calls on the Department of Animal Care and Control to conduct semi-annual random visits to all horses engaged in the operation of horse-drawn vehicles, and to field inquiries from the public regarding the treatment of such horses.

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imprisonment. Any violation of this Article will also subject all relevant permits or permit application to revocation, suspension or denial.

SEC. 509. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffectively by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part hereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
Deputy City Attorney

Mw.prop.ord.horse.ord/ar

Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
June 29, 1998	$	July 6, 1998
	$	
	$	
Ayes: Supervisors Ammiano Bierman	$	Ayes: Supervisors Ammiano Bierman
Brown Katz Kaufman Leno Medina	$	Brown Katz Kaufman Leno Medina
Newsom Teng Yee	$	Newsom Teng Yee
	$	
Absent: Supervisor Yaki	$	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No. 98-0795

JUL 17 1998
Date Approved

_____
Mayor

[Tenant Qualification Procedures for Temporary Moratorium on Owner/Relative Move-In Evictions of Senior, Disabled, or Catastrophically Ill Tenants]

AMENDING SECTION 37.9(g) OF THE SAN FRANCISCO ADMINISTRATIVE CODE TO PROVIDE PROCEDURES TO QUALIFY SENIOR, DISABLED AND CATASTROPHICALLY ILL TENANTS FOR PROTECTION FROM EVICTION DURING THE TEMPORARY MORATORIUM ON EVICTIONS FOR OWNER/RELATIVE MOVE-INS; AND MAKING CLARIFYING AND TECHNICAL CHANGES.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. San Francisco Administrative Code Section 37.9 is hereby amended to read as follows:

SEC. 37.9. EVICTIONS. Notwithstanding Section 37.3, this Section shall apply as of August 24, 1980, to all landlords and tenants of rental units as defined in Section 37.2(p).

(a) A landlord shall not endeavor to recover possession of a rental unit unless:

(1) The tenant has failed to pay the rent to which the landlord is lawfully entitled under the oral or written agreement between the tenant and landlord or habitually pays the rent late or gives checks which are frequently returned because there are insufficient funds in the checking account; or

(2) The tenant has violated a lawful obligation or covenant of tenancy other than the obligation to surrender possession upon proper notice and failure to cure such violation after having received written notice thereof from the landlord; or

(3) The tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the rental unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or tenants in the building, and the nature of such nuisance, damage or interference is specifically stated by the landlord in the writing as required by Section 37.9(c); or

(4) The tenant is using or permitting a rental unit to be used for any illegal purpose; or

(5) The tenant, who had an oral or written agreement with the landlord which has terminated, has refused after written request or demand by the landlord to execute a written extension or renewal thereof for a further term of like duration and under such terms which are materially the same as in the previous agreement; provided, that such terms do not conflict with any of the provisions of this Chapter; or

(6) The tenant has, after written notice to cease, refused the landlord access to the rental unit as required by state or local law; or

(7) The tenant holding at the end of the term of the oral or written agreement is a subtenant not approved by the landlord; or

(8) The landlord seeks to recover possession in good faith, without ulterior reasons and with honest intent, for the landlord's use and occupancy as his or her principal residence, or for the use and occupancy as the principal residence of the landlord's children, parents, grandparents, grandchildren, brother or sister, or the landlord's spouse or the spouses of such relations, for a period of at least 12 continuous months;

(i) For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit on or before February 21, 1991, the term "landlord" shall be defined as an owner of record of at least 10 percent interest in the property. For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit after February

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21, 1991, the term "landlord" shall be defined as an owner of record of at least 25 percent interest in the property;

(ii) A landlord may not recover possession under this Section 37.9(a)(8) if a comparable unit in the building is already vacant and is available, or if such a unit becomes vacant and available during the period of the notice terminating tenancy. If a comparable unit does become vacant and available during said notice period, the landlord shall rescind the notice to vacate.

(iii) It shall be rebuttably presumed that the landlord has not acted in good faith if the landlord or relative for whom the tenant was evicted does not move into the rental unit and occupy said unit as that person's principal residence for a minimum of 12 consecutive months; or

(9) The landlord seeks to recover possession in good faith in order to sell the unit in accordance with a condominium conversion approved under the San Francisco subdivision ordinance and does so without ulterior reasons and with honest intent; or

(10) The landlord seeks to recover possession in good faith in order to demolish or to otherwise permanently remove the rental unit from housing use and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent; provided that a landlord who seeks to demolish an unreinforced masonry building pursuant to Building Code Chapters 14 and 15 must provide the tenant with the relocation assistance specified in Section 37.9A(f) below prior to the tenant's vacating the premises; or

(11) The landlord seeks in good faith to remove temporarily the unit from housing use in order to be able to carry out capital improvements or rehabilitation work and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent. Any tenant who vacates the unit under such circumstances shall have the right to reoccupy the unit at the prior rent adjusted in accordance with the provisions of this Chapter. The tenant will vacate the unit only for the minimum time required to do the work. On or

before the date upon which notice to vacate is given, the landlord shall advise the tenant in writing that the rehabilitation or capital improvement plans are on file with the Central Permit Bureau of the Department of Public Works located at 450 McAllister Street and that arrangements for reviewing such plans can be made with the Central Permit Bureau. In addition to the above, no landlord shall endeavor to recover possession of any unit subject to a RAP loan as set forth in Section 37.2(k) of this Chapter except as provided in Section 32.69 of the San Francisco Administrative Code. The tenant shall not be required to vacate pursuant to this Section 37.9(a)(11), for a period in excess of three months; provided, however, that such time period may be extended by the Board or its hearing officers upon application by the landlord. The Board shall adopt rules and regulations to implement the application procedure. Any landlord who seeks to recover possession under this Section 37.9(a)(11) shall pay the tenant actual costs up to $1,000 for moving and relocation expenses not less than 10 days prior to recovery of possession; or

(12) The landlord seeks to recover possession in good faith in order to carry out substantial rehabilitation, as defined in Section 37.2(q), and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent. Notwithstanding the above, no landlord shall endeavor to recover possession of any unit subject to a RAP loan as set forth in Section 37.2(k) of this Chapter except as provided in Section 32.69 of the San Francisco Administrative Code; or

(13) The landlord, who does not have cause to evict under any other provision of this Section 37.9(a), wishes to withdraw from rent or lease all rental units within any detached physical structure and, in addition, in the case of any detached physical structure containing three or fewer rental units, any other rental units on the same lot, and complies in full with Section 37.9A with respect to each such unit; provided, however, that a unit classified as a residential unit under Chapter 41 of this Code which is vacated under this Section 37.9(a)(13) may not be put to any use other than that of a residential hotel unit without compliance with the provisions of Section 41.9 of this Code; or

(14) The landlord seeks in good faith to temporarily recover possession of the unit for less than 30 days solely for the purpose of effecting lead remediation or abatement work, as required by San Francisco Health Code Article 26. The relocation rights and remedies, established by San Francisco Administrative Code Chapter 72, including but not limited to, the payment of financial relocation assistance, shall apply to evictions under this Section 37.9(a)(14).

(b) A landlord who resides in the same rental unit with his or her tenant may evict said tenant without just cause as required under Section 37.9(a) above.

(c) A landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) above is the landlord's dominant motive for recovering possession and unless the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the grounds under which possession is sought and that advice regarding the notice to vacate is available from the Residential Rent Stabilization and Arbitration Board, before endeavoring to recover possession. A copy of all notices to vacate except three-day notices to vacate or pay rent and a copy of any additional written documents informing the tenant of the grounds under which possession is sought shall be filed with the Board within 10 days following service of the notice to vacate. The District Attorney shall determine whether the units set forth on the list compiled in accordance with Section 37.6(k) are still being occupied by the tenant who succeeded the tenant upon whom the notice was served. In cases where the District Attorney determines that Section 37.9(a)(8) has been violated, the District Attorney shall take whatever action he deems appropriate under this Chapter or under State law.

(d) No landlord may cause a tenant to quit involuntarily or threaten to bring any action to recover possession, or decrease any services, or increase the rent, or take any other action where the landlord's dominant motive is retaliation for the tenant's exercise of any rights under the law. Such retaliation shall be a defense to any action to recover possession. In an action to recover possession of a

rental unit, proof of the exercise by the tenant of rights under the law within six months prior to the alleged act of retaliation shall create a rebuttable presumption that the landlord's act was retaliatory.

(e) It shall be unlawful for a landlord or any other person who willfully assists the landlord to endeavor to recover possession or to evict a tenant except as provided in Section 37.9(a) and (b). Any person endeavoring to recover possession of a rental unit from a tenant or evicting a tenant in a manner not provided for in Section 37.9(a) or (b) without having a substantial basis in fact for the eviction as provided for in Section 37.9(a) shall be guilty of a misdemeanor and shall be subject, upon conviction, to the fines and penalties set forth in Section 37.10. Any waiver by a tenant of rights under this Chapter shall be void as contrary to public policy.

(f) Whenever a landlord wrongfully endeavors to recover possession or recovers possession of a rental unit in violation of Sections 37.9 and/or 37.10 as enacted herein, the tenant or Board may institute a civil proceeding for injunctive relief, money damages of not less than three times actual damages, (including damages for mental or emotional distress), and whatever other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award shall only be trebled if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of Section 37.9 or 37.10A herein. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this Section 37.9(f) shall be in addition to any other existing remedies which may be available to the tenant or the Board.

(g) **TEMPORARY MORATORIUM.** The following additional provisions shall apply to a landlord who seeks to recover a rental unit by utilizing the grounds enumerated in Section 37.9(a)(8):

(1) As of January 29, 1998, (the effective date of the Ordinance amending Chapter 37 by adding this Section 37.9(g), (( )) Ordinance No. 482-97 (( )))), and continuing through June 30, 1999, a landlord may not recover possession of a unit from a tenant under Section 37.9(a)(8) if the landlord has or receives notice, any time before recovery of possession, that any tenant in the rental unit:

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(A) Is 60 years of age or older and has been residing in the unit for 10 years or more; or,

(B) Is disabled within the meaning of Section 37.9(g)(1)(B)(i) and has been residing in the unit for 10 years or more, or is catastrophically ill within the meaning of Section 37.9(g)(1)(B)(ii) and has been residing in the unit for 5 years or more:

(i) A "disabled" tenant is defined for purposes of this Section 37.9(g)(1)(B) as a person who is disabled or blind within the meaning of the federal Supplemental Security Income/California State Supplemental Program (SSI/SSP), and who is determined by SSI/SSP to qualify for that program or who satisfies such requirements through any other method of determination as approved by the Rent Board;

(ii) A "catastrophically ill" tenant is defined for purposes of this Section 37.9(g)(1)(B) as a person who is disabled as defined by Section 37.9(g)(1)(B)(i), and who is suffering from a life threatening illness as certified by his or her primary care physician.

(2) The foregoing provisions of Sections 37.9(g)(1)(A) and (B) shall not apply where there is only one rental unit owned by the landlord in the building, or where each of the rental units owned by the landlord in the same building where the landlord resides (except the unit actually occupied by the landlord) is occupied by a tenant otherwise protected from eviction by Sections 37.9(g)(1)(A) or ((and)) (B) and where the landlord's qualified relative who will move into the unit pursuant to Section 37.9(a)(8) is 60 years of age or older.

(3) The temporary eviction moratorium established by this Section 37.9(g) includes, but is not limited to, any rental unit where a notice to vacate/quit has been served as of the date the temporary moratorium takes effect (see Section 37.9(g)(1)) but where the rental unit has not yet been vacated or an unlawful detainer judgment has not been issued.

(4) Unless otherwise limited or extended, the provisions of Section 37.9(g) shall remain in effect through June 30, 1999 only, and shall no longer be in effect on July 1, 1999, and thereafter.

(5) (i) Within 30 days following service by a landlord of either a written request by U.S. Mail and hand delivery, or, at the landlord's option, a notice of termination of tenancy under Section 37.9(a)(8), a tenant must serve a statement, including supporting evidence, on the landlord by U.S. Mail or hand delivery that the tenant claims or does not claim to be a member of one of the classes protected by this Section. Service of the written request on the tenant shall be complete on the date on which the mailed request is postmarked and the hand delivered copy is delivered to the leased premises, whichever is later. Service of the tenant's statement and supporting evidence on the landlord shall be complete on the date on which a mailed statement and evidence is postmarked or a hand delivered copy is delivered to the landlord at the address stated in the landlord's request or notice.

(ii) The landlord's written request or notice of termination of tenancy shall specifically refer to this Section 37.9(g), shall inform the tenant that he or she has 30 days in which to invoke the protection of Section 37.9(g), and shall describe the manner in which the tenant must give notice to the landlord of the tenant's claim.

(iii) The landlord shall file a copy of the request or notice with the Rent Board within ten days following service on the tenant.

(iv) The evidence supporting a tenant's claim of protection under Section 37.9(g) may include, but is not limited to, a driver's license, passport, birth certificate, SSI/SDI statement, or letter from a licensed physician.

(v) A tenant's failure to serve a statement on the landlord within the 30-day period shall be deemed an admission that the tenant is not protected by this Section.

(vi) A landlord may challenge a tenant's claim of protected status either by requesting a hearing with the Rent Board or, at the landlord's option, through commencement

of eviction proceedings, including service of a notice of termination of tenancy. In the Rent Board hearing or the eviction action, the tenant shall have the burden of proof to show protected status. No civil or criminal liability under Sections 37.9(e) or (f) shall be imposed upon a landlord either requesting or challenging a tenant's claim of protected status.

Section 2. **SEVERABILITY.** If any part or provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By
Deputy City Attorney

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
June 29, 1998	July 6, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Leno Medina Teng	Ayes: Supervisors Ammiano Bierman Brown Katz Leno Medina Teng
Excused: Supervisors Kaufman Newsom Yee	Excused: Supervisors Kaufman Newsom Yee
Absent: Supervisor Yaki	Absent: Supervisor Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0805

JUL 17 1998
Date Approved

Mayor

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[Sunshine Ordinance]

AMENDING THE SAN FRANCISCO ADMINISTRATIVE CODE BY AMENDING SECTION 67.24 TO CONTINUE THE EXEMPTION FROM PUBLIC DISCLOSURE FOR RATES OF PAYMENT FOR MANAGED HEALTH CARE CONTRACTS.

Note: Deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 67 of the San Francisco Administrative Code is hereby amended by amending Section Section 67.24, to read as follows:

SEC. 67.24. NONEXEMPT PUBLIC INFORMATION. Notwithstanding the department's legal discretion to withhold certain information under the California Public Records Act, the following policies shall govern specific types of documents and information:

(a) **Drafts and Memoranda.**

(1) Except as provided in Subparagraph (2), no preliminary draft or department memorandum shall be exempt from disclosure under Government Code Section 6254, Subdivision (a) if it is normally kept on file. If it is not normally kept on file and would otherwise be disposed of, its factual content is not exempt under Subdivision (a). Only the recommendation of the author may, in such circumstances, be withheld as exempt;

(2) Draft versions of an agreement being negotiated by representatives of the City with some other party need not be disclosed immediately upon creation but must be preserved and made

available for public review for 10 days prior to the presentation of the agreement for approval by a policy body, unless the body finds that and articulates how the public interest would be harmed by compliance with this 10-day rule, provided that policy body as used in this subdivision does not include committees. In the case of negotiations for a contract, lease or other business agreement in which an agency of the City is offering to provide facilities or services in direct competition with other public or private entities that are not required by law to make their competing proposals public, the policy body may postpone public access to the final draft agreement until it is presented to it for approval. Earlier versions and/or drafts of agreements shall not be subject to disclosure if the public interest in withholding such records clearly outweighs the public interest in disclosure as provided by California Government Code Section 6254(a).

(b) **Litigation Material.**

(1) No pre-litigation claim against the City, or any other record previously received or created by a department in the ordinary course of business, shall be exempt from disclosure under Government Code Section 6254, Subdivision (b);

(2) Unless otherwise privileged under California law, when litigation is finally adjudicated or otherwise settled, records of all communications between the department and the adverse party shall be subject to disclosure, including the text and terms of any settlement.

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(c) **Personnel Information.** None of the following shall be exempt from disclosure under Government Code Section 6254, Subdivision (c):

(1) The job pool characteristics and employment and education histories of all successful job applicants, including at a minimum the following information as to each successful job applicant:

(i) Sex, age and ethnic group,

(ii) Years of graduate and undergraduate study, degrees(s) and major or discipline,

(iii) Years of employment in the private and/or public sector,

(iv) Whether currently employed in the same position for another public agency,

(v) Other nonidentifying particulars as to experience, credentials, aptitudes, training or education entered in or attached to a standard employment application form used for the position in question.

(2) The professional biography or curriculum vitae of any employee, provided that the home address, home telephone number, social security number, age, and marital status of the employee shall be redacted;

(3) The job description of every employment classification;

(4) The exact gross salary and City-paid benefits available to every employee;

(5) Any memorandum of understanding between the City or department and a recognized employee organization.

(d) **Law Enforcement Information.** No records pertaining to any investigation, arrest or other law enforcement activity shall be exempt from disclosure under Government Code Section 6254, Subdivision (f) beyond the point where the prospect of any enforcement action has been terminated by either a court or a prosecutor. When such a point has been reached, related records of law enforcement activity shall be accessible, except that individual items of information in the following categories may be withheld: the names of witnesses (whose distinct identities may be indicated by substituting an alphabetical letter for each individual interviewed); personal and otherwise private information unrelated to the reasons for which the law enforcement action was commenced or terminated; the identity of a confidential source; secret investigative techniques or procedures; or information whose disclosure would endanger law enforcement personnel. The subdivision shall not exempt from disclosure any portion of any record of a concluded inspection or enforcement action by an officer or department responsible for regulatory protection of the public health, safety or welfare.

(e) **Contracts, Bids and Proposals.** (1) Contracts, contractors' bids, responses to requests for proposals and all other records of communications between the department and persons or firms seeking contracts shall be open to inspection immediately after a contract has been awarded. Nothing in this provision requires the disclosure of a private person's or organization's net worth or other proprietary financial data submitted for qualification for a contract

or other benefit until and unless that person or organization is awarded the contract or benefit. All bidders and contractors shall be advised that information provided which is covered by this subdivision will be made available to the public upon request.

(2) Notwithstanding the provisions of this subdivision or any other provision of this ordinance, the Director of Public Health may withhold from disclosure proposed and final rates of payment for managed health care contracts if the Director determines that public disclosure would adversely affect the ability of the City to engage in effective negotiations for managed health care contracts. The authority to withhold this information applies only to contracts pursuant to which the City (through the Department of Public Health) either pays for health care services or receives compensation for providing such services, including mental health and substance abuse services, to covered beneficiaries through a pre-arranged rate of payment. This provision also applies to rates for managed health care contracts for the University of California, San Francisco, if the contract involves beneficiaries who receive services provided jointly by the City and university. This provision shall not authorize the Director to withhold rate information from disclosure for more than three years. ((The provision of this Subsection (e)(2) shall expire three years after it takes effect, except as to rates for contracts finally approved during that three-year period.))

(f) **Budgets and Other Financial Information.** Budgets, whether tentative, proposed or adopted, for the City or any of its

departments, programs, projects or other categories, and all bills, claims, invoices, vouchers or other records of payment obligations as well as records of actual disbursements showing the amount paid, the payee and the purpose for which payment is made, other than payments for social or other services whose records are confidential by law, shall not be exempt from disclosure under any circumstances.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Paula Jesson
PAULA JESSON
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
July 6, 1998	July 13, 1998
Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee
Absent: Supervisor Yaki	Absent: Supervisors Brown Yaki

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
98-0895

JUL 17 1998
Date Approved

Willie L. Brown Jr.
Mayor

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41 Main Library-Civic Center
100 Larkin Street
Mailslot

FILE NO. 98-0943 ORDINANCE NO. 241-98

(Government Funding/Settlement of Lawsuit)

RO#97260

APPROPRIATING $2,300,000 FROM WATER DEPARTMENT FUND BALANCE TO CLAIMS AND JUDGMENTS, PUC-WATER DEPARTMENT FOR FISCAL YEAR 1997-98 AND AUTHORIZING SETTLEMENT OF LITIGATION OF HEFTER V. COUNTY OF SAN MATEO, ET. AL. BY PAYMENT OF $2,300,000.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Funds are hereby appropriated for FY 1997-1998 as follows:

Department and Number	Source of Funds and Purpose of Appropriation	Amount Debit	Credit
Fund	Department	Program	
5W-AAA-AAA Water Department	Water Dept Operating	Water Distribution	
Funding Sources			
999-99999	Unappropriated Fund Balance	$2,300,000	
Funding Uses			
021-05311	Judgments – Claims		$2,300,000
	Total	$2,300,000	$2,300,000

Section 2. The City Attorney is hereby authorized to settle the action entitled Hefter v. County of San Mateo, et.al., Alameda Superior Court No. 786568, by the payment of $2,300,000. The Board of supervisors approves the entering into of a Settlement Agreement and Release and participation in a cost sharing agreement with San Mateo County in a form substantially in compliance with the documents attached hereto, subject to confirmation of the consistency herewith by the City Attorney.

APPROVED AS TO FORM AND RECOMMENDED

LOUISE H. RENNE
CITY ATTORNEY

BY: JOSHUA D. MILSTEIN
Deputy City Attorney

FUNDS AVAILABLE:

EDWARD HARRINGTON
CONTROLLER

BOARD OF SUPERVISORS

Board of Supervisors, San Francisco

Passed on First Reading
July 13, 1998

Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee

Absent: Supervisors Brown Yaki

Finally Passed
July 20, 1998

Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Newsom Teng Yaki Yee

Absent: Supervisor Medina

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0943

JUL 23 1998
Date Approved

Mayor

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File 98-0850

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When Stamped In Red

ORDINANCE NO. 242-98

CITY AND COUNTY OF SAN FRANCISCO

CONSOLIDATED BUDGET

AND

ANNUAL APPROPRIATION ORDINANCE

As Proposed by the Finance Committee
July 1998

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File No. 98-0852 Ordinance No. 211-98
File No. 98-0850 Ordinance No. 242-98

FISCAL YEAR ENDING JUNE 30, 1999

File 98-0851

Ordinance No. 243-98

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CITY AND COUNTY OF SAN FRANCISCO

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ANNUAL SALARY ORDINANCE

1998-1999

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FILE NO. 98-0448 ORDINANCE NO. 244-98

[Exemption for Golden Gate Bridge Highway and Transportation District]

AMENDMENT OF PLANNING CODE SECTION 1010 TO EXEMPT GOLDEN GATE BRIDGE HIGHWAY AND TRANSPORTATION DISTRICT FROM THE REQUIREMENTS OF SECTION 1010.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The Municipal code, Part II, chapter II (Planning Code), shall be amended by amending Section 1010 thereof to read as follows:

Sec.1010 PROPERTY OWNED BY PUBLIC AGENCIES

(a) The Department shall take appropriate steps to notify all public agencies which own or may acquire property in the City, about the existence and character of designated landmarks and historic districts; if possible, the Department shall cause a current record of such landmarks and districts to be maintained in each such public agency. In the case of any publicly owned property on a landmark site or in a historic district which is not subject to the permit review procedures of the City, the agency owning the said property shall seek the advice of the Planning Commission prior to approval or authorization of any construction, alteration or demolition thereon; and the Planning Commission, with the aid of the Advisory Board and in consultation with the Art Commission in appropriate cases, shall render a report to the owner as expeditiously as possible, based on the purposes and standards in this Article 10. If Planning Commission review of a public project involving construction, alteration or demolition on a landmark site or in a historic district is required under any other law, or under the Charter, the Planning Commission shall render the report referred to in this section to such public agency without specific request therefor.

(b) All officers, boards, commissions and departments of the City shall cooperate with the Advisory Board and the Planning Commission in carrying out the spirit and intent of this Article 10.

(c) Nothing in this Article 10 shall be construed to imposed any regulations or controls upon designated landmarks owned or controlled by the Golden Gate Bridge Highway and Transportation District.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: KATE H. STACY
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
July 13, 1998	§	July 20, 1998
	§	
	§	
Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Teng Yaki Yee
	§	
Absent: Supervisors Brown Yaki	§	Absent: Supervisors Medina Newsom

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0448

JUL 31 1998
Date Approved

Mayor

FILE NO. 98-0890 ORDINANCE NO. 245-98

[CONTRACTOR PERMIT FEES]

AMENDING ARTICLE 12, CHAPTER XI, PART II OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY AMENDING SECTION 202.C THERETO, PROVIDING FOR CONTRACTOR PERMIT FEES.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article XII of the San Francisco Traffic Code is hereby amended by amending Section 202.C, to read as follows:

SEC. 202.C. USE OF PARKING METER ZONES BY CONSTRUCTION VEHICLES, PEST CONTROL VEHICLES. (i) Upon written application, the Director of Parking and Traffic shall issue to a contractor annual nontransferable parking permits for display upon motor vehicles used in the course of construction service, pest control service, and construction jobbing work within a parking meter zone. Such permits shall be issued for a period of 12 consecutive months that begin, in any calendar year, on June 1st. Such parking permits shall be in a form and have an appearance distinct from those parking permits issued for residential permit parking areas.

No permit provided for herein shall be issued unless the written application includes the number and type of the applicant's State contractor's license or business license if the applicant provides pest control services, the year, make and license number of each motor vehicle for which a permit is requested and such other information as the Director of Parking and Traffic deems appropriate to carry out the duties imposed by this Section.

(ii) The term "motor vehicle" as used in this Section means a truck or van used primarily to transport equipment, personnel or materials necessary to the construction project or pest control service, bearing a commercial license plate registered to the licensed contractor and upon which is displayed in a permanent fashion the name of the licensed

contractor as set forth in the Fictitious Business Name Statement on file in the Office of the County Clerk

(iii) The Director of Parking and Traffic is authorized to issue no more than eight such parking permits per licensed contractor, except that (a) up to five additional permits may be issued, at the sole discretion of the Director of Parking and Traffic, to any contractor who is not eligible to apply for exclusive temporary use of parking meter zones under Section 202.E of this Code; and (b) one parking permit may be issued to a licensed contractor who has only one vehicle which is a station wagon and which meets all other criteria of this Section. A station wagon qualifies as a motor vehicle, as defined herein, for this one permit only.

(iv) A motor vehicle displaying a parking permit issued as provided herein may be parked in a parking meter zone without the deposit of any coins in the applicable meter. Such a motor vehicle is not exempt from parking restrictions or prohibitions established pursuant to authority other than this Article.

(v) The fee for the issuance of each parking permit provided for in this Section shall be $325 (($255)) if purchased in the first six months of the permit year and $225 (($175)) if purchased in the last six months of the permit year.

(vi) Consistent herewith, the Department of Parking and Traffic is authorized to adopt procedures to prevent abuse of the parking permits issued under this subsection. Such procedures shall include, but not be limited to providing for verification of an applicant's qualifications for a parking permit under this subsection.

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APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: _____
JOHN I. KENNEDY
Deputy City Attorney

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
July 13, 1998	§	July 20, 1998
	§	
	§	
Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Newsom Teng Yaki Yee
	§	
Absent: Supervisors Brown Yaki	§	Absent: Supervisor Medina

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
98-0890

JUL 31 1998
Date Approved

_____
Mayor

FILE NO. 98-0891 ORDINANCE NO. 246-98

[PERMIT FEES]

AMENDING ARTICLE 15, CHAPTER XI, PART II OF THE SAN FRANCISCO MUNICIPAL CODE (TRAFFIC CODE) BY AMENDING SECTION 314 THERETO, PROVIDING FOR RESIDENTIAL PERMIT FEES.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article XV of the San Francisco Traffic Code is hereby amended by amending Section 314, to read as follows:

SEC. 314. PERMIT FEES. (a) A "new area" shall be defined as any residential parking permit area not approved by the Board of Supervisors prior to the approval of this ordinance.

(b) A "continuing area" shall be defined as any residential parking permit area already approved by the Board of Supervisors prior to the approval of this ordinance.

(c) For the purposes of this Section, an extension of a continuing area shall be treated as a new area.

(d) The initial fee for the issuance of a permit for a new area shall be $27 (($21)) for each permit if purchased in the first six months of the permit year or $13.50 (($10.50)) if purchased in the last six months of the permit year. The fee for issuance of a permit purchased in the first six months of all subsequent permit years shall be $27 (($21)) or $13.50 (($10.50)) if purchased in the last six months of the permit year.

(e) The fee for the issuance of a permit for continuing area shall be $27 (($21)) for each permit if purchased in the first six months of the permit year or $13.50 (($10.50)) if purchased in the last six months of the permit year.

(f) The fee for a rental car permit shall be $10 (($5)). The fee for a visitor's permit, which may be issued for a maximum period of eight weeks, shall be $10 (($5)) for each consecutive two-week period. There shall be a $3 transfer charge for those applicants with

permits in one residential parking permit area who move to another residential parking permit area and apply for a permit in the new area of residence. In such cases the new permit shall expire at the time designated for the new zone.

(g) The annual fee for commercial permits as provided in Section 308(b)(3) shall be $35 (($28)) for each permit if purchased during the first six months of the permit year and $17.50 (($16.50)) if purchased during the last six months of the permit year.

(h) Five ((Four)) dollars ($5) (((($4))) of the fee for each permit purchased in the first six months of the permit year and $2 of the fee for each permit purchased in the last six months of the permit year, for those permits issued under Subsections (d), (e) and (g) of this Section shall be deposited in the Road Fund. All deposits to the Road Fund from the residential parking permit fee shall be used to offset the costs related to the engineering studies, sign installations and sign maintenance associated with the Residential Permit Parking Program.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By. JOHN I. KENNEDY
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
	§	
July 13, 1998	§	July 20, 1998
	§	
	§	
Ayes: Supervisors Katz Kaufman Leno Medina Newsom Teng	§	Ayes: Supervisors Bierman Brown Katz Kaufman Leno Teng Yaki
	§	
Noes: Supervisors Ammiano Bierman Yee	§	Noes: Supervisors Ammiano Yee
	§	
	§	
Absent: Supervisors Brown Yaki	§	Absent: Supervisors Medina Newsom

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

John L. Taylor
Clerk

File No.
98-0891

JUL 31 1998
Date Approved

Mayor

FILE NO. 98-0898 ORDINANCE NO. 247-98

[Periodic Assessment of City Parks and City Recreation Programs]

AMENDING PART II, CHAPTER VI, ARTICLE 3 OF THE SAN FRANCISCO MUNICIPAL CODE (PARK CODE) BY ADDING SECTION 3.18 THERETO REQUIRING THE RECREATION AND PARK DEPARTMENT TO CONDUCT A SURVEY EVERY FIVE YEARS OF THE PUBLIC'S SATISFACTION WITH THE CURRENT CONDITION OF CITY PARKS AND RECREATION FACILITIES, THE PUBLIC'S SATISFACTION WITH THE DEPARTMENT'S CURRENT PROGRAMS, AND THE PUBLIC'S PERCEPTION OF THE NEED FOR CHANGES TO EXISTING PARKS, FACILITIES AND PROGRAMS, AND REQUIRING THE DEPARTMENT TO REPORT TO THE BOARD OF SUPERVISORS ON THE RESULTS OF THE SURVEY

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Article 3 of the San Francisco Park Code is hereby amended by adding Section 3.18 to read as follows:

SEC. 3.18 PERIODIC ASSESSMENT OF CITY PARKS AND CITY RECREATION PROGRAMS

(a) Beginning in the fiscal year 2003 -2004, every five years the Recreation and Park Department shall conduct a survey of the public's opinion of the programs offered by the Recreation and Park Department, the condition of City parks and City recreational facilities under the jurisdiction of the Recreation and Park Department, and the need for changes to existing programs, parks, and recreational facilities. The Recreation and Park Department shall use the survey as a guide in its planning for park and facility renovation, acquisition and improvement, and for determining how to modify and expand its recreational programming.

(b) Within 90 days of completion of the survey, the Recreation and Park

Department shall transmit to the Board of Supervisors a report of the results of the survey and the actions, if any, that the Department plans to take in response to the survey results.

(c) The Recreation and Park Department shall include the cost of the survey in its budget estimate for the fiscal year in which the survey will be conducted.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Mariam M. Morley
Mariam M. Morley
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	$	Finally Passed
	$	
July 13, 1998	$	July 20, 1998
	$	
	$	
Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee	$	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Newsom Teng Yaki Yee
	$	
Absent: Supervisors Brown Yaki	$	Absent: Supervisor Medina

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No.
98-0898

JUL 31 1998
Date Approved

Mayor

FILE NO. 98-0929 ORDINANCE NO. 248-98

[Settlement of Grievance]

AUTHORIZING SETTLEMENT OF THE ACTING ASSIGNMENT PAY GRIEVANCE OF RON PEREZ FILED PURSUANT TO THE MEMORANDA OF UNDERSTANDING BETWEEN THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, LOCAL 6 IN THE AMOUNT OF THIRTEEN THOUSAND THREE HUNDRED FIFTY ONE DOLLARS AND FORTY CENTS ($13,351.40).

Be it ordained by the People of the City and County of San Francisco.

Section 1. The Board of Supervisors hereby authorizes the Human Resources Director, to settle the Acting Assignment Pay grievance of Ron Perez filed by the International Brotherhood of Electrical Workers, Local 6 pursuant to the Memoranda of Understanding for the amount of Thirteen Thousand Three Hundred Fifty One Dollars and Forty Cents ($13,351.40).

APPROVED AS TO FORM
LOUISE H. RENNE
CITY ATTORNEY

VICKI A. CLAYTON
DEPUTY CITY ATTORNEY

FUNDS AVAILABLE

EDWARD HARRINGTON
CONTROLLER

ANDREA GOURDINE
HUMAN RESOURCES DIRECTOR

BOARD OF SUPERVISORS

N \LABOR\VCLAYTON\ORDINANC\GRIEVSET\PEREZ DOC

Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
July 13, 1998	July 20, 1998
Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Newsom Teng Yaki Yee
Absent: Supervisors Brown Yaki	Absent: Supervisor Medina

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0929

JUL 31 1998
Date Approved

Mayor

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FILE NO. 98-0939 ORDINANCE NO. 249-98

(Zoning Change -- 500 Raymond Avenue)

ADOPTING CHANGES IN PROPERTY USE CLASSIFICATION AS AN AMENDMENT TO THE ZONING MAP OF THE CITY AND COUNTY OF SAN FRANCISCO OF PROPERTY LOCATED AT 500 RAYMOND AVENUE, A PORTION OF LOT 2 IN ASSESSOR'S BLOCK 6221, FROM A "P" (PUBLIC USE) DISTRICT) TO AN RH-1 (HOUSE, ONE-FAMILY) DISTRICT AND ADOPTING FINDINGS PURSUANT TO CITY PLANNING CODE SECTIONS 101.1 AND 302(c).

Be it ordained by the People of the City and County of San Francisco:

Section 1. The proposed rezoning is the subject of Final Negative Declaration of Environmental Review, Case No. 97.675ECRSZ, State Guidelines, Sections 15064, 15065 and 15070 and, pursuant to Section 302(c) of the Planning Code, Part II, Chapter II of the San Francisco Municipal Code, the following change in property use classification, duly approved by Resolution No. 14606 of the Planning Commission on March 26, 1998, is hereby adopted as an amendment to the Zoning Map of the City and County of San Francisco.

Description of Property	Use District to be Superseded	Use District Hereby Approved
Beginning at the point of intersection of the northerly line of Raymond Avenue with the westerly line of Lot 14, in Block 4, as said Avenue, Lot and Block are shown on that certain map entitled "Map of Reis Tract," filed May 19, 1904, in the Office of the Recorder of the City and County of San Francisco, State of California, in Book 1 of Maps, at pages 241 and 242; thence N 19 degrees 13' E along said westerly line of Lot 14 and along the westerly line of Lot 31, Block 4, as said Lot and Block are shown on said Map of Reis Tract, 200 feet to the northwest corner of said Lot 31; thence N 17 degrees 56' E 60.015 feet to the southwest corner of Lot 1 in Block 7, as said Lot and Block are shown on said Map of Reis Tract; thence continuing N 17 degrees 56' 44" E 10.985 feet; thence S 70 degrees 47' E 308 feet to the beginning of a tangent curve concave to the southwest whose radius is 100 feet; thence southeasterly along said curve to the right through a central angle of 41 degrees 44' 24", an arc length of 72.85 feet; thence S 19 degrees 13' W 245.60 feet to the northerly line of Raymond Avenue; thence 70 degrees 47' W along said northerly line 373 feet to the point of beginning, being a portion of Lot 2 in Assessor's Block 6221 (of approximately 2.3 acres in size) and adjacent street area to its center line.	"P"(Public Use)	RH-1 (House, One Family)

Section 2. This Board of Supervisors adopts Planning Commission Resolution No. 14606 containing findings of consistency of the herein-adopted amendments to the Zoning Map of the City and County of San Francisco with the eight Priority Policies of Section 101.1 of the City Planning Code and findings that said Zoning Map

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amendments are required by the public necessity, convenience and general welfare pursuant to City Planning Code Section 302(c).

APPROVED AS TO FORM:

LOUISE H. RENNE
CITY ATTORNEY

By _____
Deputy City Attorney

RECOMMENDED:

CITY PLANNING COMMISSION

By _____
Gerald G. Green
Director of Planning

Board of Supervisors, San Francisco

Passed on First Reading	§	Finally Passed
July 13, 1998	§	July 20, 1998
Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee	§	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Newsom Teng Yaki Yee
Absent: Supervisors Brown Yaki	§	Absent: Supervisor Medina

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

_____
Clerk

File No.
98-0939

JUL 31 1998
Date Approved

_____
Mayor

[Units Regulated; Rent Calculations]

AMENDING CHAPTER 37 OF THE SAN FRANCISCO ADMINISTRATIVE CODE, SECTIONS 37.2, 37.3 AND 37.9, BY DEFINING "TENANT-BASED RENTAL ASSISTANCE;" DEFINING "BASE RENT" FOR PURPOSE OF CERTAIN RENTAL UNITS RECEIVING TENANT-BASED RENTAL ASSISTANCE OR FORMERLY RECEIVING PROJECT-BASED RENTAL ASSISTANCE OR INDIRECT ASSISTANCE THROUGH HUD-INSURED MORTGAGES; INCLUDING WITHIN THE DEFINITION OF "RENTAL UNITS" FOR CERTAIN PURPOSES THOSE UNITS OCCUPIED BY TENANTS RECEIVING TENANT-BASED RENTAL ASSISTANCE; LIMITING THE APPLICABILITY OF RENT INCREASE LIMITATIONS; AND REQUIRING CERTAIN NOTICES PRIOR TO RENT INCREASES FOR OR EVICTIONS FROM RENTAL UNITS OCCUPIED BY TENANTS RECEIVING TENANT-BASED RENTAL ASSISTANCE.

Note: Additions are underlined; deletions are in ((double parentheses)).

Be it ordained by the People of the City and County of San Francisco:

Section 1. Chapter 37 of the San Francisco Administrative Code is hereby amended by amending Sections 37.2, 37.3 and 37.9 to read as follows:

SEC. 37.2. DEFINITIONS. (a) **Base Rent.** (i) That rent which is charged a tenant upon initial occupancy plus any rent increase allowable and imposed under this Chapter; provided, however, that base rent shall not include increases imposed pursuant to Section 37.7 below or utility passthroughs or general obligation bond passthroughs pursuant to Section 37.2(o) below. Base rent for tenants of RAP rental units in areas designated on or after July 1, 1977, shall be that rent which was established pursuant to Section 32.73-1 of the San Francisco Administrative Code. Rent increases attributable to the Chief Administrative Officer's amortization of a RAP loan in an area designated on or after July 1, 1977, shall not be

included in the base rent.

(2) From and after the effective date of this Ordinance, the base rent for tenants occupying rental units which have received certain tenant-based or project-based rental assistance shall be as follows:

(A) With respect to tenant-based rental assistance:

(i) For any tenant receiving tenant-based rental assistance as of the effective date of this Ordinance (except where the rent payable by the tenant is a fixed percentage of the tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the HOPWA program), and continuing to receive tenant-based rental assistance following the effective date of this Ordinance, the base rent for each unit occupied by such a tenant shall be the rent payable for that unit under the Housing Assistance Payments contract, as amended, between the San Francisco Housing Authority and the landlord (the "HAP Contract") with respect to that unit immediately prior to the effective date of this Ordinance (the "HAP Contract Rent").

(ii) For any tenant receiving tenant-based rental assistance (except where the rent payable by the tenant is a fixed percentage of the tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the HOPWA program), and commencing occupancy of a rental unit following the effective date of this Ordinance, the base rent for each unit occupied by such a tenant shall be the HAP Contract Rent in effect as of the date the tenant commences occupancy of such unit.

(iii) For any tenant whose tenant-based rental assistance terminates or expires, for whatever reason, following the effective date of this Ordinance, the base rent for each such unit following expiration or termination shall be the HAP Contract Rent in effect for that unit immediately prior to the expiration or termination of the tenant-based rental assistance.

(B) For any tenant occupying a unit upon the expiration or termination, for whatever

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reason, of a project-based HAP Contract under Section 8 of the United States Housing Act of 1937 (42 USC §1437f, as amended), the base rent for each such unit following expiration or termination shall be the "contract rent" in effect for that unit immediately prior to the expiration or termination of the project-based HAP Contract.

(C) For any tenant occupying a unit upon the prepayment or expiration of any mortgage insured by the United States Department of Housing and Urban Development ("HUD"), including but not limited to mortgages provided under Sections 221(d)(3), 221(d)(4) and 236 of the National Housing Act (12 USC §1715z-1), the base rent for each such unit shall be the "basic rental charge" (described in 12 USC 1715z-1(f), or successor legislation) in effect for that unit immediately prior to the prepayment of the mortgage, which charge excludes the "interest reduction payment" attributable to that unit prior to the mortgage prepayment or expiration.

(b) **Board.** The Residential Rent Stabilization and Arbitration Board.

(c) **Capital Improvements.** Those improvements which materially add to the value of the property, appreciably prolong its useful life, or adapt it to new uses, and which may be amortized over the useful life of the improvement of the building.

(d) **CPI.** Consumer Price Index for all Urban Consumers for the San Francisco-Oakland Metropolitan Area, U.S. Department of Labor.

(e) **Energy Conservation Measures.** Work performed pursuant to the requirements of Article 12 of the San Francisco Housing Code

(f) **Hearing Officer.** A person, designated by the Board, who arbitrates rental increase disputes.

(g) **Housing Services.** Services provided by the landlord connected with the use or occupancy of a rental unit including, but not limited to, repairs, replacement, maintenance, painting, light, heat, water, elevator service, laundry facilities and privileges, janitor service, refuse removal, furnishings, telephone, parking and any other benefits, privileges or facilities.

(h) **Landlord.** An owner, lessor, sublessor, who receives or is entitled to receive rent for the use and occupancy of any residential rental unit or portion thereof in the City and County of San Francisco, and the agent, representative or successor of any of the foregoing.

(i) **Member.** A member of the Residential Rent Stabilization and Arbitration Board.

(j) **Over FMR Tenancy Program.** A regular certificate tenancy program whereby the base rent, together with a utility allowance in an amount determined by HUD, exceeds the fair market rent limitation for a particular unit size as determined by HUD.

(k) **Payment Standard.** An amount determined by the San Francisco Housing Authority that is used to determine the amount of assistance paid by the San Francisco Housing Authority on behalf of a tenant under the Section 8 Voucher Program (24 CFR Part 887).

(l) (((j))) **RAP.** Residential Rehabilitation Loan Program (Chapter 32, San Francisco Administrative Code).

(m) (((k))) **RAP Rental Units.** Residential dwelling units subject to RAP loans pursuant to Chapter 32, San Francisco Administrative Code.

(n) (((l))) **Real Estate Department.** A city department in the City and County of San Francisco.

(o) (((m))) **Rehabilitation Work.** Any rehabilitation or repair work done by the landlord with regard to a rental unit, or to the common areas of the structure containing the rental unit, which work was done in order to be in compliance with State or local law, or was done to repair damage resulting from fire, earthquake or other casualty or natural disaster.

(p) (((n))) **Rent.** The consideration, including any bonus, benefits or gratuity, demanded or received by a landlord for or in connection with the use or occupancy of a rental unit, or the assignment of a lease for such a unit, including but not limited to monies demanded or paid for parking, furnishing, food service, housing services of any kind, or subletting.

(q) (((o))) **Rent Increases.** Any additional monies demanded or paid for rent as defined in item (p) (((n))) above, or any reduction in housing services without a corresponding reduction in the monies demanded or paid for rent; provided, however, that (1) where the landlord has been paying the tenant's utilities and cost of those utilities increase, the landlord's passing through to the tenant of such increased costs does not constitute a rent increase; and (2) where there has been a change in the landlord's property tax attributable to a ballot measure approved by the voters between November 1, 1996, and November 30, 1998, the landlord's passing through of such increased costs in accordance with this Chapter does not constitute a rent increase.

(r) (((p))) **Rental Units.** All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities. The term shall *not* include:

(1) Housing accommodations in hotels, motels, inns, tourist houses, rooming and boarding houses, provided that at such time as an accommodation has been occupied by a tenant for 32 continuous days or more, such accommodation shall become a rental unit subject to the provisions of this Chapter; provided further, no landlord shall bring an action to recover possession of such unit in order to avoid having the unit come within the provisions of this Chapter. An eviction for a purpose not permitted under Section 37.9(a) shall be deemed to be an action to recover possession in order to avoid having a unit come within the provisions of this Chapter;

(2) Dwelling units in nonprofit cooperatives owned, occupied and controlled by a majority of the residents or dwelling units solely owned by a nonprofit public benefit corporation governed by a board of directors the majority of which are residents of the dwelling units and where it is required in the corporate by-laws that rent increases be approved by a majority of the residents;

(3) Housing accommodation in any hospital, convent, monastery, extended care facility, asylum, residential care or adult day health care facility for the elderly which must be operated pursuant to a license issued by the California Department of Social Services, as required by California Health and Safety Chapters 3.2 and 3.3; or in dormitories owned and operated by an institution of higher education, a high school, or an elementary school;

(4) Except as provided in Subsections (A) and (B), dwelling ((Dwelling)) units whose rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development; provided, however, that units in unreinforced masonry buildings which have undergone seismic strengthening in accordance with Building Code Chapters 14 and 15 shall remain subject to the Rent Ordinances to the extent that the ordinance is not in conflict with the seismic strengthening bond program or with the program's loan agreements or with any regulations promulgated thereunder;

(A) For purposes of Sections 37.2, 37.3(a)(10)(A), 37.4, 37.5, 37.6, 37.9, 37.9A, 37.10A, 37.11A and 37.13, and the arbitration provisions of Sections 37.8 and 37.8A applicable *only* to the provisions of Section 37.3(a)(10)(A), the term "rental units" *shall* include units occupied by recipients of tenant-based rental assistance where the tenant-based rental assistance program does not establish the tenant's share of base rent as a fixed percentage of a tenant's income, such as in the Section 8 voucher program and the "Over-FMR Tenancy" program defined in 24 CFR §982.4;

(B) For purposes of Sections 37.2, 37.3(a)(10)(B), 37.4, 37.5, 37.6, 37.9, 37.9A, 37.10A, 37.11A and 37.13, the term "rental units" *shall* include units occupied by recipients of tenant-based rental assistance where the rent payable by the tenant under the tenant-based rental assistance program is a fixed percentage of the tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the Housing Opportunities for Persons with Aids ("HOPWA") program (42 U.S.C. §12901 et seq., as amended).

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(5) Rental units located in a structure for which a certificate of occupancy was first issued after the effective date of this ordinance, except as provided in Section 37.9A(b) of this Chapter;

(6) Dwelling units in a building which has undergone substantial rehabilitation after the effective date of this ordinance; provided, however, that RAP rental units are not subject to this exemption.

(s) (((q))) **Substantial Rehabilitation.** The renovation, alteration or remodeling of residential units of 50 or more years of age which have been condemned or which do not qualify for certificates of occupancy or which require substantial renovation in order to conform the building to contemporary standards for decent, safe and sanitary housing. Substantial rehabilitation may vary in degree from gutting and extensive reconstruction to extensive improvements that cure substantial deferred maintenance. Cosmetic improvements alone such as painting, decorating and minor repairs, or other work which can be performed safely without having the unit vacated do not qualify as substantial rehabilitation.

(t) (((r))) **Tenant.** A person entitled by written or oral agreement, sub-tenancy approved by the landlord, or by sufferance, to occupy a residential dwelling unit to the exclusion of others.

(u) **Tenant-Based Rental Assistance.** Rental assistance provided directly to a tenant or directly to a landlord on behalf of a particular tenant, which includes but shall not be limited to certificates and vouchers issued pursuant to Section 8 of the United States Housing Act of 1937, as amended (42 U.S.C. §1437f) and the HOPWA program.

(v) (((s))) **Utilities.** The term "utilities" shall refer to gas and electricity exclusively.

SEC. 37.3. RENT LIMITATIONS. (a) **Rent Increase Limitations for Tenants in Occupancy.** Landlords may impose rent increases upon tenants in occupancy only as provided below:

(1) **Annual Rent Increase.** On March 1st of each year, the Board shall publish the

increase in the CPI for the preceding 12 months, as made available by the U.S. Department of Labor. A landlord may impose annually a rent increase which does not exceed a tenant's base rent by more than 60 percent of said published increase. In no event, however, shall the allowable annual increase be greater than seven percent.

(2) **Banking.** A landlord who refrains from imposing an annual rent increase or any portion thereof may accumulate said increase and impose that amount on the tenant's subsequent rent increase anniversary dates. A landlord who, between April 1, 1982, and February 29, 1984, has banked an annual seven percent rent increase (or rent increases) or any portion thereof may impose the accumulated increase on the tenant's subsequent rent increase anniversary dates.

(3) **Capital Improvements, Rehabilitation, and Energy Conservation Measures.** A landlord may impose rent increases based upon the cost of capital improvements, rehabilitation or energy conservation measures provided that such costs are certified pursuant to Sections 37.7 and 37.8B below; provided further that where a landlord has performed seismic strengthening in accordance with Building Code Chapters 14 and 15, no increase for capital improvements (including but not limited to seismic strengthening) shall exceed, in any 12-month period, 10 percent of the tenant's base rent, subject to rules adopted by the Board to prevent landlord hardship and to permit landlords to continue to maintain their buildings in a decent, safe and sanitary condition. A landlord may accumulate any certified increase which exceeds this amount and impose the increase in subsequent years, subject to the 10 percent limitation. Nothing in this subsection shall be construed to supersede any Board rules or regulations with respect to limitations on increases based upon capital improvements whether performed separately or in conjunction with seismic strengthening improvements pursuant to Building Code Chapters 14 and 15.

(4) **Utilities.** A landlord may impose increases based upon the cost of utilities as provided in Section 37.2(o) above.

(5) **Charges Related to Excess Water Use.** A landlord may impose increases not to exceed 50 percent of the excess use charges (penalties) levied by the San Francisco Water Department on a building for use of water in excess of Water Department allocations under the following conditions:

(A) The landlord provides tenants with written certification that the following have been installed in all units: (1) permanently installed retrofit devices designed to reduce the amount of water used per flush or low- flow toilets (1.6 gallons per flush); (2) low-flow showerheads which allow a flow of no more than 2.5 gallons per minute; and (3) faucet aerators (where installation on current faucets is physically feasible); and

(B) The landlord provides the tenants with written certification that no known plumbing leaks currently exist in the building and that any leaks reported by tenants in the future will be promptly repaired; and

(C) The landlord provides the tenants with a copy of the water bill for the period in which the penalty was charged. Only penalties billed for a service period which begins after the effective date of the ordinance [April 20, 1991] may be passed through to tenants. Where penalties result from an allocation which does not reflect documented changes in occupancy which occurred after March 1, 1991, a landlord must, if requested in writing by a tenant, make a good-faith effort to appeal the allotment. Increases based upon penalties shall be prorated on a per-room basis provided that the tenancy existed during the time the penalty charges accrued. Such charges shall not become part of a tenant's base rent. Where a penalty in any given billing period reflects a 25 percent or more increase in consumption over the prior billing period, and where that increase does not appear to result from increased occupancy or any other known use, a landlord may not impose any increase based upon such penalty unless inspection by a licensed plumber or Water Department inspector fails to reveal a plumbing or other leak. If the inspection does reveal a leak, no increase based upon penalties may be imposed at any time for the period of the unrepaired leak.

(6) **Property Tax.** A landlord may impose increases based upon a change in the landlord's property tax resulting from the repayment of general obligation bonds of the City and County of San Francisco approved by the voters between November 1, 1996, and November 30, 1998 as provided in Section 37.2(o) above. The amount of such increase shall be determined for each tax year as follows:

(A) The Controller and the Board of Supervisors will determine the percentage of the property tax rate, if any, in each tax year attributable to general obligation bonds approved by the voters between November 1, 1996, and November 30, 1998, and repayable within such tax year.

(B) This percentage shall be multiplied by the total amount of the net taxable value for the applicable tax year. The result is the dollar amount of property taxes for that tax year for a particular property attributable to the repayment of general obligation bonds approved by the voters between November 1, 1996, and November 30, 1998.

(C) The dollar amount calculated under Subsection (B) shall be divided by the total number of all units in each property, including commercial units. That figure shall be divided by twelve months, to determine the monthly per unit costs for that tax year of the repayment of general obligation bonds approved by the voters between November 1, 1996, and November 30, 1998.

(D) Landlords may pass through to each unit in a particular property the dollar amount calculated under this Subsection (6). This passthrough may be imposed only on the anniversary date of each tenant's occupancy of the property. This passthrough shall not become a part of a tenant's base rent. The amount of each annual passthrough imposed pursuant to this Subsection (6) may vary from year-to-year, depending on the amount calculated under Subsections (A) through (C). Each annual passthrough shall apply only for the twelve-month period after it is imposed. A landlord may impose the passthrough described in this Subsection (6) for a particular tax year only with respect to those tenants

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who were residents of a particular property on November 1 of the applicable tax year. A landlord shall not impose a passthrough pursuant to this Subsection (6) if the landlord has filed for or received Board approval for a rent increase under Section 37.8(e)(4) for increased operating and maintenance expenses in which the same increase in property taxes due to the repayment of general obligation bonds was included in the comparison year cost totals.

(E) The Board will have available a form which explains how to calculate the passthrough.

(F) Landlords must provide to tenants, at least thirty (30) days prior to the imposition of the passthrough permitted under this Subsection (6), a copy of the completed form described in Subsection (E). This completed form shall be provided in addition to the Notice of Rent Increase required under Section 37.3(b)(5). A tenant may petition for a hearing under the procedure described in Section 37.8 where the tenant alleges that a landlord has imposed a charge which exceeds the limitations set forth in this Subsection (6). In such a hearing, the burden of proof shall be on the landlord. Tenant petitions regarding this passthrough must be filed within one year of the effective date of the passthrough.

(G) The Board may amend its rules and regulations as necessary to implement this Subsection (6).

(7) **RAP Loans.** A landlord may impose rent increases attributable to the Chief Administrative Officer's amortization of the RAP loan in an area designated on or after July 1, 1977, pursuant to Chapter 32 of the San Francisco Administrative Code.

(8) **Additional Increases.** A landlord who seeks to impose any rent increase which exceeds those permitted above shall petition for a rental arbitration hearing pursuant to Section 37.8 of this Chapter.

(9) A landlord may impose a rent increase to recover costs incurred for the remediation of lead hazards, as defined in San Francisco Health Code Article 26. Such increases may be based on changes in operating and maintenance expenses or for capital

improvement expenditures as long as the costs which are the basis of the rent increase area a substantial portion of the work which abates or remediates a lead hazard, as defined in San Francisco Health Code Article 26, and provided further that such costs are approved for operating and maintenance expense increases pursuant to Section 37.8(e)(4)(A) and certified as capital improvements pursuant to Section 37.7 below.

When rent increases are authorized by this Subsection (a)(9), the total rent increase for both operating and maintenance expenses and capital improvements shall not exceed 10 percent in any 12-month period. If allowable rent increases due to the costs of lead remediation and abatement work exceed 10 percent in any 12-month period, a hearing officer shall apply a portion of such excess to approved operating and maintenance expenses for lead remediation work, and the balance, if any, to certified capital improvements, provided, however, that such increase shall not exceed 10 percent. A landlord may accumulate any approved or certified increase which exceeds this amount, subject to the 10 percent limit.

(10) With respect to units occupied by recipients of tenant-based rental assistance:

(A) If the tenant's share of the base rent is not calculated as a fixed percentage of the tenant's income, such as in the Section 8 voucher program and the Over-FMR Tenancy Program, then:

(i) If the base rent is equal to or greater than the Payment Standard, the rent increase limitations in Sections 37.3(a)(1) and (2) shall apply to the entire base rent, and the arbitration procedures for those increases set forth in Section 37.8 and 37.8A shall apply.

(ii) If the base rent is less than the Payment Standard, the rent increase limitations of this Chapter shall not apply; provided, however, that any rent increase which would result in the base rent being equal to or greater than the Payment Standard shall not result in a new base rent that exceeds the Payment Standard plus the increase allowable under Section 37.3(a)(1).

(B) If the tenant's share of the base rent is calculated as a fixed percentage of the

tenant's income, such as in the Section 8 certificate program and the rental subsidy program for the HOPWA program, the rent increase limitations in Section 37.3(a)(1) and (2) shall not apply. In such circumstances, adjustments in rent shall be made solely according to the requirements of the tenant-based rental assistance program.

(b) **Notice of Rent Increase for Tenants in Occupancy.** On or before the date upon which a landlord gives a tenant legal notice of a rent increase, the landlord shall inform the tenant, in writing, of the following:

(1) Which portion of the rent increase reflects the annual increase, and/or a banked amount, if any;

(2) Which portion of the rent increase reflects costs for increased operating and maintenance expenses, rents for comparable units, and/or capital improvements, rehabilitation, or energy conservation measures certified pursuant to Section 37.7;

(3) Which portion of the rent increase reflects the passthrough of charges for gas and electricity, or bond measure costs described in Section 37.3(a)(6) above, which charges shall be explained in writing on a form provided by the Board as described in Section 37.3(a)(6)(E);

(4) Which portion of the rent increase reflects the amortization of the RAP loan, as described in Section 37.3(a)(7) above.

(5) **Nonconforming Rent Increases.** Any rent increase which does not conform with the provisions of this Section shall be null and void.

(6) With respect to rental units occupied by recipients of tenant-based rental assistance, the notice requirements of this Subsection (b) shall be required in addition to any notice required as part of the tenant-based rental assistance program.

(c) **Initial Rent Limitation for Subtenants.** A tenant who subleases his or her rental unit may charge no more rent upon initial occupancy of the subtenant or subtenants

than that rent which the tenant is currently paying to the landlord.

(d) **Effect of Deferred Maintenance on Passthroughs for Lead Remediation Techniques.**

(1) When lead hazards, which have been remediated or abated pursuant to San Francisco Health Code Article 26, are also violations of State or local housing health and safety laws, the costs of such work shall not be passed through to tenants as either a capital improvement or an operating and maintenance expense if the hearing officer finds that the deferred maintenance, as defined herein, of the current or previous landlord caused or contributed to the existence of the violation of law.

(2) In any unit occupied by a lead-poisoned child and in which there exists a lead hazard, as defined in San Francisco Health Code Article 26, there shall be a rebuttable presumption that violations of State or local housing health and safety laws caused or created by deferred maintenance, caused or contributed to the presence of the lead hazards. If the landlord fails to rebut the presumption, that portion of the petition seeking a rent increase for the costs of lead hazard remediation or abatement shall be denied. If the presumption is rebutted, the landlord shall be entitled to a rent increase if otherwise justified by the standards set forth in this Chapter.

(3) For purposes of the evaluation of petitions for rent increases for lead remediation work, maintenance is deferred if a reasonable landlord under the circumstances would have performed, on a regular basis, the maintenance work required to keep the premises from being in violation of housing safety and habitability standards set forth in California Civil Code Section 1941 and the San Francisco Municipal Code. In order to prevail on a deferred maintenance defense, a tenant must show that the level or repair or remediation currently required would have been lessened had maintenance been performed in a more timely manner

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SEC. 37.9. EVICTIONS. Notwithstanding Section 37.3, this Section shall apply as of August 24, 1980, to all landlords and tenants of rental units as defined in Section 37.2(p).

(a) A landlord shall not endeavor to recover possession of a rental unit unless:

(1) The tenant has failed to pay the rent to which the landlord is lawfully entitled under the oral or written agreement between the tenant and landlord or habitually pays the rent late or gives checks which are frequently returned because there are insufficient funds in the checking account; or

(2) The tenant has violated a lawful obligation or covenant of tenancy other than the obligation to surrender possession upon proper notice and failure to cure such violation after having received written notice thereof from the landlord; or

(3) The tenant is committing or permitting to exist a nuisance in, or is causing substantial damage to, the rental unit, or is creating a substantial interference with the comfort, safety or enjoyment of the landlord or tenants in the building, and the nature of such nuisance, damage or interference is specifically stated by the landlord in the writing as required by Section 37.9(c); or

(4) The tenant is using or permitting a rental unit to be used for any illegal purpose; or

(5) The tenant, who had an oral or written agreement with the landlord which has terminated, has refused after written request or demand by the landlord to execute a written extension or renewal thereof for a further term of like duration and under such terms which are materially the same as in the previous agreement; provided, that such terms do not conflict with any of the provisions of this Chapter; or

(6) The tenant has, after written notice to cease, refused the landlord access to the rental unit as required by state or local law; or

(7) The tenant holding at the end of the term of the oral or written agreement is a subtenant not approved by the landlord; or

(8) The landlord seeks to recover possession in good faith, without ulterior reasons and with honest intent, for the landlord's use and occupancy as his or her principal residence, or for the use and occupancy as the principal residence of the landlord's children, parents, grandparents, grandchildren, brother or sister, or the landlord's spouse or the spouses of such relations, for a period of at least 12 continuous months;

(i) For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit on or before February 21, 1991, the term "landlord" shall be defined as an owner of record of at least 10 percent interest in the property. For purposes of this Section 37.9(a)(8) only, as to landlords who become owners of record of the rental unit after February 21, 1991, the term "landlord" shall be defined as an owner of record of at least 25 percent interest in the property;

(ii) A landlord may not recover possession under this Section 37.9(a)(8) if a comparable unit in the building is already vacant and is available, or if such a unit becomes vacant and available during the period of the notice terminating tenancy. If a comparable unit does become vacant and available during said notice period, the landlord shall rescind the notice to vacate.

(iii) It shall be rebuttably presumed that the landlord has not acted in good faith if the landlord or relative for whom the tenant was evicted does not move into the rental unit and occupy said unit as that person's principal residence for a minimum of 12 consecutive months; or

(9) The landlord seeks to recover possession in good faith in order to sell the unit in accordance with a condominium conversion approved under the San Francisco subdivision ordinance and does so without ulterior reasons and with honest intent; or

(10) The landlord seeks to recover possession in good faith in order to demolish or to otherwise permanently remove the rental unit from housing use and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent; provided that a landlord who seeks to demolish an unreinforced masonry building pursuant to Building Code Chapters 14 and 15 must provide the tenant with the relocation assistance specified in Section 37.9A(f) below prior to the tenant's vacating the premises; or

(11) The landlord seeks in good faith to remove temporarily the unit from housing use in order to be able to carry out capital improvements or rehabilitation work and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent. Any tenant who vacates the unit under such circumstances shall have the right to reoccupy the unit at the prior rent adjusted in accordance with the provisions of this Chapter. The tenant will vacate the unit only for the minimum time required to do the work. On or before the date upon which notice to vacate is given, the landlord shall advise the tenant in writing that the rehabilitation or capital improvement plans are on file with the Central Permit Bureau of the Department of Public Works ((located at 450 McAllister Street)) and that arrangements for reviewing such plans can be made with the Central Permit Bureau. In addition to the above, no landlord shall endeavor to recover possession of any unit subject to a RAP loan as set forth in Section 37.2(k) of this Chapter except as provided in Section 32.69 of the San Francisco Administrative Code. The tenant shall not be required to vacate pursuant to this Section 37.9(a)(11), for a period in excess of three months; provided, however, that such time period may be extended by the Board or its hearing officers upon application by the landlord. The Board shall adopt rules and regulations to implement the application procedure. Any landlord who seeks to recover possession under this Section 37 9(a)(11) shall pay the tenant actual

costs up to $1,000 for moving and relocation expenses not less than 10 days prior to recovery of possession; or

(12) The landlord seeks to recover possession in good faith in order to carry out substantial rehabilitation, as defined in Section 37.2(q), and has obtained all the necessary permits on or before the date upon which notice to vacate is given, and does so without ulterior reasons and with honest intent. Notwithstanding the above, no landlord shall endeavor to recover possession of any unit subject to a RAP loan as set forth in Section 37.2(k) of this Chapter except as provided in Section 32.69 of the San Francisco Administrative Code; or

(13) The landlord, who does not have cause to evict under any other provision of this Section 37.9(a), wishes to withdraw from rent or lease all rental units within any detached physical structure and, in addition, in the case of any detached physical structure containing three or fewer rental units, any other rental units on the same lot. and complies in full with Section 37.9A with respect to each such unit; provided, however, that a unit classified as a residential unit under Chapter 41 of this Code which is vacated under this Section 37.9(a)(13) may not be put to any use other than that of a residential hotel unit without compliance with the provisions of Section 41.9 of this Code; or

(14) The landlord seeks in good faith to temporarily recover possession of the unit for less than 30 days solely for the purpose of effecting lead remediation or abatement work, as required by San Francisco Health Code Article 26. The relocation rights and remedies, established by San Francisco Administrative Code Chapter 72, including but not limited to, the payment of financial relocation assistance, shall apply to evictions under this Section 37.9(a)(14).

(b) A landlord who resides in the same rental unit with his or her tenant may evict said tenant without just cause as required under Section 37.9(a) above.

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(c) A landlord shall not endeavor to recover possession of a rental unit unless at least one of the grounds enumerated in Section 37.9(a) or (b) above is the landlord's dominant motive for recovering possession and unless the landlord informs the tenant in writing on or before the date upon which notice to vacate is given of the grounds under which possession is sought and that advice regarding the notice to vacate is available from the Residential Rent Stabilization and Arbitration Board, before endeavoring to recover possession. A copy of all notices to vacate except three-day notices to vacate or pay rent and a copy of any additional written documents informing the tenant of the grounds under which possession is sought shall be filed with the Board within 10 days following service of the notice to vacate. The District Attorney shall determine whether the units set forth on the list compiled in accordance with Section 37.6(k) are still being occupied by the tenant who succeeded the tenant upon whom the notice was served. In cases where the District Attorney determines that Section 37.9(a)(8) has been violated, the District Attorney shall take whatever action he deems appropriate under this Chapter or under State law.

(d) No landlord may cause a tenant to quit involuntarily or threaten to bring any action to recover possession, or decrease any services, or increase the rent, or take any other action where the landlord's dominant motive is retaliation for the tenant's exercise of any rights under the law. Such retaliation shall be a defense to any action to recover possession. In an action to recover possession of a rental unit, proof of the exercise by the tenant of rights under the law within six months prior to the alleged act of retaliation shall create a rebuttable presumption that the landlord's act was retaliatory.

(e) It shall be unlawful for a landlord or any other person who willfully assists the landlord to endeavor to recover possession or to evict a tenant except as provided in Section 37.9(a) and (b). Any person endeavoring to recover possession of a rental unit from a tenant or evicting a tenant in a manner not provided for in Section 37.9(a) or (b) without having a

substantial basis in fact for the eviction as provided for in Section 37.9(a) shall be guilty of a misdemeanor and shall be subject, upon conviction, to the fines and penalties set forth in Section 37.10. Any waiver by a tenant of rights under this Chapter shall be void as contrary to public policy.

(f) Whenever a landlord wrongfully endeavors to recover possession or recovers possession of a rental unit in violation of Sections 37.9 and/or 37.10 as enacted herein, the tenant or Board may institute a civil proceeding for injunctive relief, money damages of not less than three times actual damages, (including damages for mental or emotional distress), and whatever other relief the court deems appropriate. In the case of an award of damages for mental or emotional distress, said award shall only be trebled if the trier of fact finds that the landlord acted in knowing violation of or in reckless disregard of Section 37.9 or 37.10A herein. The prevailing party shall be entitled to reasonable attorney's fees and costs pursuant to order of the court. The remedy available under this Section 37.9(f) shall be in addition to any other existing remedies which may be available to the tenant or the Board.

(g) The provisions of this Section 37.9 shall apply to any rental unit as defined in Sections 37.2(r)(4)(A) and 37.2(r)(4)(B), including where a notice to vacate/quit any such rental unit has been served as of the effective date of this Ordinance No. 250-98, but where any such rental unit has not yet been vacated or an unlawful detainer judgment has not been issued as of the effective date of this Ordinance No. 250-98.

(h) With respect to rental units occupied by recipients of tenant-based rental assistance, the notice requirements of this Section 37.9 shall be required in addition to any notice required as part of the tenant-based rental assistance program, including but not limited to the notice required under 24 CFR §982.311(e)(2)(ii).

(((g))) (i) **TEMPORARY MORATORIUM.** The following additional provisions shall apply to a landlord who seeks to recover a rental unit by utilizing the grounds enumerated in Section 37.9(a)(8):

(1) As of the effective date of the Ordinance amending Chapter 37 by adding this Section ((37.9(g))) 37.9(i) (Ordinance No. 482-97), and continuing through June 30, 1999, a landlord may not recover possession of a unit from a tenant under Section 37.9(a)(8) if the landlord has or receives notice, any time before recovery of possession, that any tenant in the rental unit:

(A) Is 60 years of age or older and has been residing in the unit for 10 years or more; or,

(B) Is disabled within the meaning of Section ((37.9(g)(1)(B)(i))) 37.9(i)(1)(B)(i) and has been residing in the unit for 10 years or more, or is catastrophically ill within the meaning of Section ((37.9(g)(1)(B)(ii))) 37.9(i)(1)(B)(ii) and has been residing in the unit for 5 years or more:

(i) A "disabled" tenant is defined for purposes of this Section 37.9(1)(B) as a person who is disabled or blind within the meaning of the federal Supplemental Security Income/California State Supplemental Program (SSI/SSP), and who is determined by SSI/SSP to qualify for that program or who satisfies such requirements through any other method of determination as approved by the Rent Board;

(ii) A "catastrophically ill" tenant is defined for purposes of this Section 37.9(1)(B) as a person who is disabled as defined by Section 37.9(1)(B)(i), and who is suffering from a life threatening illness as certified by his or her primary care physician.

(2) The foregoing provisions of Sections ((37.9(g)(1)(A) and (B))) 37.9(i)(1)(A) and (B) shall not apply where there is only one rental unit owned by the landlord in the building, or where each of the rental units owned by the landlord in the same building where the landlord

resides (except the unit actually occupied by the landlord) is occupied by a tenant otherwise protected from eviction by Sections ((37.9(g)(1)(A) and (B))) 37.9(i)(1)(A) and (B) and where the landlord's qualified relative who will move into the unit pursuant to Section 37.9(a)(8) is 60 years of age or older.

(3) The temporary eviction moratorium established by this Section ((37.9(g))) 37.9(i) includes, but is not limited to, any rental unit where a notice to vacate/quit has been served as of the date the temporary moratorium takes effect (((see Section ((37.9(g)(1)))) (see Section 37.9(i)(1)) but where the rental unit has not yet been vacated or an unlawful detainer judgment has not been issued.

(4) Unless otherwise limited or extended, the provisions of Section ((37.9(g))) 37.9(i) shall remain in effect through June 30, 1999 only, and shall no longer be in effect on July 1, 1999, and thereafter.

Section 2. SEVERABILITY. If any part or provision of this Ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of this Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By: Leslie Zutrer
Deputy City Attorney

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Board of Supervisors, San Francisco

Passed on First Reading	Finally Passed
July 13, 1998	July 20, 1998
Ayes: Supervisors Ammiano Bierman Katz Kaufman Leno Medina Newsom Teng Yee	Ayes: Supervisors Ammiano Bierman Brown Katz Kaufman Leno Teng Yaki Yee
Absent: Supervisors Brown Yaki	Absent: Supervisors Medina Newsom

I hereby certify that the foregoing ordinance was finally passed by the Board of Supervisors of the City and County of San Francisco

Clerk

File No. 98-0950

JUL 31 1998

Date Approved

Mayor

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